

LES
T E R M E S
DE LA
L E Y:

OR,

Certain difficult and obscure WORDS and
TERMS of the COMMON and STA-
TUTE LAWS of this Realm, now in Use,
expounded and explained.

Corrected and Enlarged, with the Addition of many
other Words; particularly of those that have been lately
introduced into the Statute Law of Great Britain, never
Printed in any other Impression.

*Multa renascentur quæ jam cecidere, cadentque
Quæ nunc sunt in honore vocabula, si volet usus.*

Hor.

In the SAVOR:

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Gate in Fleet-street. MDCCXXI.



T H E

P R E F A C E.

I Shall not trouble the Reader with a large Account of the Usefulness, and even Necessity of this Book: The several Impressions it hath undergone, are a sufficient Evidence of its Worth. However, farther to improve its Reputation, it again appears in Publick, with the Addition of a great many New Terms explained, with several Alterations and Amendments, never before published; the whole digested in an Alphabetical Method: And that nothing might be wanting to render it absolutely Compleat and Perfect, great Care hath been taken, not only to amend the Errata in the former Editions, but also to prevent any thing of the like Kind in this.

Tho' no Author's Name has hitherto appear'd in the Title-Page of this Book, yet Sir Edward Coke, in the Preface to his 10th Report, ascribes it to William Rastal, a most learned Justice of the Court of Common Pleas in the Reign of Queen Mary; who left the Kingdom upon her Sister's Accession to the Throne, (being, says the Bishop of Carlisle, as zealous a Romanist, as his Uncle Sir Thomas More,) and died at Louvain.

That

The PREFACE.

That Reverend Prelate, speaking of this Book, gives it the Character of an useful Explication of the Terms of Art in our English Law-Books, and a Work well esteemed by the Professors and Students in that Faculty. That it was written originally in French only, seems almost past a Doubt; but how, or when, or by whom the English was added, I no where find: 'Tis probable too that it has been much enlarged since the First Edition: The Prefacer to That which was publish'd in 1667, who writes himself T. B. of the Inner-Temple, tells us that he added above One hundred Words with Explications, and made References to others where needful: That he corrected the whole Work in what he found amiss, retrench'd some antiquated and tautological Expressions, and added to some old Words such late Statutes as alter'd, or any Ways related to the Law establish'd by them.

This Impression has been carefully compared with, and corrected by several of the Former; and the Additions made to it, consist chiefly of such Words and their Explications, as since the late Union of the two Kingdoms have been necessarily introduced into the Statute-Law of Great Britain; and being thereby in a Manner naturaliz'd, and adopted into our Mother Tongue, they are become a Part of it: For which Reason it was requisite to the Perfection of this Book, to give an Explication of them.

To m (1) 2 A

T E R M S

O F T H E

L A W

E X P O U N D E D.

Abate.

A Bate seems to come from the French *Abbatre*, i. e. to destroy or defeat utterly, and has several significations: As, to Abate a Castle or Fortlet (Old Natura brev. fo. 45.) which (in Westm. 1. cap. 17.) is interpreted to beat down. And to abate a Writ, is to defeat or overthrow it, by some Error or Exception. Britton, cap. 48. And he that steps in between the former Possessor and his Heir, is said to abate in the Lands. See Abatement.

Abatement of a Writ or Plaint.

A Batement of a Writ or Plaint is, when an Action is brought by Writ or Plaint, wherein is Want of sufficient and good Matter, or else the Matter alledged is not certainly set down, or if the Plaintiff or Defendant or Place are mis-

Abate.

A Bate semble de venir del François *Abbatre*, i. e. *rescindere, destruere*, & ad plusieurs significations: Come, *abater un Chateau ou Fortlet.* (Vet. Nat. br. fo. 45.) que (en Westm. 1. c. 17.) est enterprete to beat down. Et, *abater un brief* est par le defaire ou renverser, par ascun Erreur, ou Exception. Britton, ca. 48. Et luy que s'enterpose enter le prior possesseur & son Heir, est dit *abater en les Terres.* Veies *Abatement.*

Abatement de Brief ou Plaint.

A Batement de Brief ou Plaint est, quand un Action est portee par Brief ou Plaint, en que fault sufficient & bon matter, ou autrement le matter alledge n'est certainement alledge, ou si le Plaintiff, ou Defendant, ou Lieu sont mis

nosme, ou si la appear variance perenter le Brief & le Specialty ou Record, ou que le Brief ou Declaration sont uncertain, ou pur mort del Plaintiff ou Defendant, ou pur divers auters semblable causes; donques sur ceux defaults le Defendant poit prier que le Brief ou Plaint *abatera*, c'est a dire, que le Suit del Plaintiff envers luy cessera pur cest temps, & que il commencera auter temps son Suit, & port un novel Brief ou Plaint, sil s'it issint dispose. Mes si le Defendant en aucun Action plede un matter en Bar pur adnuller le Action a tous jours, il ne viendra apres a pleader en Abatement de Brief; mes si apres il appiert in le Record, que est aucun matter apparant pur que le Brief doit estre abate, donque le Defendant ou aucun auter person, *ut amicus Curie*, poiet bien plede & monstre ceo in Arrest de judgment.

Abatement del Brief poet estre per act de Dieu, per act des Parties, per act del Ley, per act del Estranger, ou per act del Court.

Veies les titles de *Brief*, *Misnomer* & *Variance*, en les *Abridgements*, & le Livre appel *Les Digests del Briefs*, en queux cest matter especialment est fort bien entrain,

Sont auxi auters matters queux abate & stay actions & Briefs, cestascavoir, *Variance* ent' Brief & Count.

Si le Plaintiff soit alien Enemy, (*Titulo Alien*)

Pur default de nosme le Defendant, de quel Ville, ou Trade, ou Degree il est, ou le Suit est per Brief.

named, or if there appear Variance between the Writ and the Specialty or Record, or that the Writ or the Declaration be uncertain, or for Death of the Plaintiff or Defendant, and for divers other like Causes; then upon those Defaults the Defendant may pray that the Writ or Plaint may abate, that is to say, that the Plaintiffs Suit against him may cease for that Time, and that he shall begin again his Suit, and bring a new Writ or Plaint, if he be so disposed. But if the Defendant in any Action plead a Matter in Bar to annul the Action for ever, he shall not come afterwards to plead in Abatement of the Writ; but if after it appear in the Record, that there is some Matter apparent for which the Writ ought to be abated, then the Defendant, or any other Person, as a Friend to the Court, may well plead and shew it in Arrest of Judgement.

Abatement of the Writ may be by the Act of God, by the Act of the Parties, by the Act of the Law, by the Act of a Stranger, or by the Act of the Court.

See the Titles of Writ, Misnomer and Variance in the Abridgements, and the Book called The Digests of Writs, in which this Matter especially is very well handled.

There are also other Matters which abate and stay Actions & Writs, that is to say, Variance between the Writ and the Count.

If the Plaintiff be an Alien Enemy. [See Tit. Alien.]

For want of naming the Defendant, of what Town, Trade, or Degree he is, where the Suit is by Writ.

That

That a Woman Plaintiff is married before, or hanging the Suit.

That the Plaintiff hath another Action depending for the same Cause.

That the Writ is dated before the Action accrued.

For that the Defendant ought to be sued in another Court of which he is an Attorney or Officer.

For that the Land is ancient Demesne.

For that the Matter in Suit was done upon the high Sea, in which Case the Admiral hath Jurisdiction.

These Causes underneath do not abate the Writ or Action, but suspend the Prosecution for a Time.

If the Plaintiff in Action personal be outlawed, or convicted of Recusancy, or excommunicated.

Upon a Scire facias against tertenants for Debt, Plea that there are other Tenants which hold Lands liable to the same Debt, which are not returned, doth stay the Proceedings until they be also returned.

Que le Femme Plaintiff est covert devant, ou pendant la Suit.

Que le Plaintiff ad autre Action pendant pur mesme le cause.

Que le Brief est date devant le Action accrue.

Pur ceo que le Defendant doit estre sue en autre Court, de quel il est Attorney ou Officer.

Pur ceo que la ter' est ancient demesne.

Que le matt' en Suit fuit fait sur le haut mere, en quel case l'Admiral ad Jurisdiction.

Ces causes susdits n'abate le Brief ou Action, mes suspend le prosecution pur temps.

Si le Plaintiff en Action personel soit outlage, ou convict de Recusancy, ou excommenige.

Sur Scire facias versus tertenants pur debt, plea que sont autres Tenants queux ont terres liable a mesme le debt, queux ne sont return, stay proceeding tanque sont auxi return.

Fault de sufficient ou bone matter.

Le matter n'est certainement alledge.

Plaintiff, }
Defendant, } misnosme.
ou Lieu.

Causes de Abatement de Brief ou Plaint.

Variance enter { Brief, &
Specialty, ou
Record.

Uncertainty del { Brief, &
Count, ou
Declaration.

Mort del { Plaintiff, ou
Defendant.

Abatement en Terres.

A *Batement en Terres* ou Tenements est quand un home morust seisie de ter ou Tenements, & un que nad droit entra en mesmes devant le Heir; cest Entry de lui est appel un *Abatement*, & il un *Abator*. Mes si le Heir enter primes après le mort de son Ancestor, & le auter enter sur le possession del Heir, cest dernier entry est un *desseisin* al Heir. Vide livre de Entries, fo. 63. c. & 205. d. & 519. c. Iou cest *Abatement* est appel en Latin *Intrusio*. Et jeo entend d'estre melius d'appel ceo en Latin *interpositio*, ou *Intratio per interpositionem*, de faire difference enter ceo parol, & *Intrusio* puis le mort de le Tenant pur vie. Veies Co. Lit. 277. a.

Abbe.

A *Bbe* fuit le Sovereign Teste ou Principal de ceux Measons queux quant ils estoient fueront appel *Abbeys*; & cest *Abbe* ove les Moigns de mesme le Meason, queux fueront appel le *Convent*, fieront un *Corporat*. Et tiel Sovereign de ascun tiel Meason ne serra charge pur le a& de son Predecessor, si ne soit per common Seal, ne pur tiel chose que vient al use de son Meason. Auxy un *Abbe* ne serra charge pur le det en que son Commoign fuit endet devant son entre en Religion, coment le Creditor ad de ceo un especialty, si non que il avoit devenus al use de son Meason: mes les Executors del Commoign serront charge ove ceo.

Abatement in Lands.

A *Batement in Lands* o2 Tenements is, when a Man dies seised of Lands o2 Tenements, and one that hath no Right enters into the same befoze the Heir; this Entry is called an *Abatement*, and he an *Abator*. But if the Heir enter first after the Death of his Ancesto2, and the other enter upon the Possession of the Heir, this last Entry is a *Desseisin* to the Heir. Look in the Book of Entries fo. 63. c. & 205. d. & 519. c. where this Word *Abatement* is called in Latin *Intrusio*. And I think it better to call it in Latin *Interpositio*, o2 *Intratio per Interpositionem*, to make a Difference between this Word and *Intrusion* after the Death of the Tenant for Life. See Co. Lit. 277. a.

Abbot.

A *Bbot* was the sovereign Head o2 Chief of those Houses which when they stood were called *Abbeys*; and this *Abbot* with the Monks of the same House, who were called the *Convent*, made a *Corporation*. Such a Sovereign of any such House shall not be charged by the Act of his Predecessor, if it be not by Common Seal, nor for such Things which come to the Use of his House. And an *Abbot* shall not be charged for the Debt of his Monk befoze his entry in Religion, though the Creditor have an especialty thereof, except it have come to the Use of his House: But the Executors of the Monk shall be charged therewith.

Look for this in the Abridgments, the same Title, under which you shall see that some of them were elective, some presentative; and how they were made Governours, and their Authority. And in this Title are also comprehended all other Corporations Spiritual, as Prior and his Covent, Friars and Canons, Dean and Chapter.

Abbrochment.

A Bbrochment in Latin Abbrocamentum) is a Fore-stalling of a Market or Fair, by buying up the Wares before they are exposed to Sale there; and then selling them again by Retail.

Abbuttals.

A Bbuttals seems to come from the French Abutter, i. e. the Buttings or Boundings of Lands, shewing to what other Lands, High ways, or Places they belong, or are abutting.

To Abdicate.

TO Abdicate is to renounce or refuse.

Abdication.

A Bdication is a disinheriting, or rather a voluntary Act of renouncing, disowning, &c. As when a Person does Things, that are altogether inconsistent with the Nature of his Trust, he does in Effect renounce it; which not long ago was the Case of an unfortunate Prince.

Abettors.

A Bettors are in divers Cases diversly taken. One kind of Abettors are they that maliciously, without just cause

Vide pur ceo en le Abridgments, mesme title, desouth quel veies coment ascuns de ceux fueront elective, ascuns presentative; & coment fueront fait Prefects, & leur authority. Et en cel title sont auxy comprehend toutes autres Corporations Spiritual, come Prior & son Covent, Friars & Canons, Dean & Chapter.

Abbrochment.

A Bbrochment (en Latine Abbrocamentum) est un Forestalling d'un Market ou Fair per achapt des Wares, devant que eux sont expose al Sale la, & donques eux vendant arriere per Retale.

Abbuttals.

A Bbuttals semble de venir del François Abutter, i. e. les Buttings ou Boundings des Terres, declarant al queux autres terres, chemins ou autres lieux ils appartiennent, ou sont abuttant.

Abdicare.

A Bdicare est a renouncer ou refuser.

Abdication.

A Bdication est un disinheriting, ou pluis tost un volontaire Renouncing, Disowning, &c. come quand un home fait des choses que sont omnino inconsistent avec la Nature de son Trust, il en effet renounce a ceo; que n'ad agueres fuit le Case d'un Prince malheureux.

Abettors.

A Bettors sont in divers cas diversement prise. Un kind de abettors sont ceux que maliciousment, sans droit cause

ou desert, procur' aut' de
suer faux Appeals de Mur-
der ou Felony envers homes,
al entent de troubler & griever
eux & par fair eux en infamy
& slander. Abettors en Murd'
sont ceux q; command, pro-
cur', counsel, ou comfort aut'
de Murder Et en ascun case
ciel Abettors seront prise
come Principals, & en ascun
case forsequer come Accessories:
Issint en autre Felonies. Et
leur presence a le chose fair, &
leur absence de la, fair un dif-
ference en le case. Il y ad
Abettors auxy en Treason, mes
ils sont come Principals, car
en Treason il ny ad ascun
Accessories,

Veies pluis de ceo en le
Livre appelle *Les Pleas del
Corone*, compile per le tres re-
verend Judge Sir W. Staun-
forde en les Titles de *Accessories*,
& *Damages* en appeal.

Abeyance.

A *Beyance* est quand un Lease
est fait pur Term de vie,
le Remainder al droit Heirs de
J. S. que est en vie al temps
del Grant : ore per cest Grant le
Remainder passa hors del Gran-
tor maintenant, unc' il ne vesta
maintenant, ne prist effect en
le Grantee, c'est a dire, le droit
Heir d'J. S. mes est dit d'estre
en *abeyance*, ou, come les Lo-
giciens appelle ceo, *in poten-
tia*, ou *in intellectu*; & come
nous dicimus, *in nubibus*,
cestascavoir, en le conside-
ration de Ley, Que si J. S.,
morust, ayant un droit Heir
en vie, & vivant le Lessee pur
vie, donques ceo est un bon
Remainder, & a ore veste &

oz desert, do procure others to sue
false Appeals of Murder oz
Felony against Hen, to the in-
tent to trouble and grieve them,
and to bring them to infamy
and slander. Abettors in Mur-
ther are those that command oz
procure, counsel oz comfort others
to Murther. And in some Case
Abettors shall be taken as Prin-
cipals, and in some case but as
Accessories: So in other Felo-
nies. And their presence at the
Deed doing, and their absence
makes a difference in the Case:
There are Abettors also in Treas-
on, but they are as Principals,
for in Treason there are no Ac-
cessories.

See more in the Book called
Pleas of the Crown, made by the
Reverend Judge Sir W. Staun-
forde, in the Titles of Accessories,
and Damages in Appeal.

Abeyance.

A *Beyance* is, when a Lease
is made for term of life,
the Remainder to the right
Heirs of J. S. who is living
at the Time of the Grant: Now
by this Grant the Remainder
passes from the Grantor pre-
sently, yet it vests not pre-
sently, nor takes hold in the
Grantee, that is, the right Heir
of J. S. but is said to be in A-
beyance, oz, as the Logicians
term it, in posse, oz in under-
standing, and, as we say, in
the Clouds, that is, in the
Consideration of the Law,
That if J. S. die, having a right
Heir, and living the Lessee for
life, then this is a good Re-
mainder, and now vests and
comes

comes to the said right Heir, in such sort as that he may grant, forſeit, or otherwiſe diſpoſe the ſame, and ceaſes to be any more in Abeyance, for that there is one now of ability to take it, becauſe J. S. is dead, and hath left a right Heir in life; which could not be, living J. S. for that during his Life none could properly be ſaid to be his Heir. Alſo if a Man be Patron of a Church, and preſents one to the ſame, now the Fee of the Lands and Tene-ments pertaining to the Rectory is in the Parſon: But if the Parſon die, and the Church become void, then is the Fee in Abeyance, until there be a new Parſon preſented, admitted and inducted; for the Patron hath not the Fee, but only the Right to preſent, and the Fee is in the Incumbent that is preſented; and after his Death it is in no body, but in Abeyance, till there be a new Incumbent, as is aforeſaid.

See Lit. Lib. 3. cap. 11. fo. 145. and Perkins fol. 12, 34 35. Sect. 87.

Abiſherſing.

A Biſherſing (and in ſome Copies Miſherſing, Miſhering, or Miſkering) is, to be quit of Amerciaments beſore whomſoever of Tranſgreſſion proved.

Abjuration.

A Bjuration is an Oath that a Man or Woman ſhall take when they have committed Felony, and ſay to the Church, or Church-yard, or to any other place privileged for ſafe-guard of their Lives, chuſing rather perpetual Banishment out of the Realm, than to ſtand to the Law, and be

vient al le dit droit Heir, en tel ſort, que il poit grant, forſeit, ou autrement diſpoſe ceo, & ceſſa deſtre ore en abeyance, pur ceo que il eſt un ore de ability pur prendre ceo, pur ceo q; J. S. eſt mort, & ad reliquith un droit Heire en vie; le quel ne poit eſtre, vivant J. S. car durant ſon vie nul poit proprement eſtre dit ſon Heir. Item ſi un hom' ſoit patron dun Eſgliſe, & preſent auter a ceo, ore eſt le Fee deſter' ou Tenem' perteignant al Rectory en le Parſon: Mes ſi le Parſon moruſt & le Eſgliſe eſt devenus void, donque eſt le Fee en abeyance, tanque il ſoit un novel Parſon preſent, admit & induct; car le Patron nad le Fee, mes ſolement le droit de preſenter, & le Fee eſt en le Incumbent que eſt preſent, & puis ſon mort il neſt en aucun, mes en Abeyance, tanque il ſoit un novel Incumbent, come eſt avant dit.

Veies Litt. Lib. 3. c. 11. fo. 145. & Perk fo. 12, 34, 35. Sect. 87.

Abiſherſing

A Biſherſing (& en aucun Copies Miſherſing, Miſhering, ou Miſkering) eſt quiet' eſſe de Amerciamentis coram quibuſcunque de Tranſgreſſione probata.

Abjuration.

A Ijuration eſt un Serement que home ou feme preignent quand ils ont commiſſe Felony, & fue al Eſgliſe, ou Cemitory, ou auter lieu privilege, per tuition de leur vies, eſſiſant pluſtoſt perpetual Banishment hors de Royalm, que a eſtoyer a le Ley, & deſtre

trie del Felony: En cel case, devant le Coroner il ferra tiel confession que poit faire sufficient enditement de Felony: donques le Coroner al Common Ley luy ferra de abjure la Realm, & assignera a luy a quel Port il alera, & luy jura, que il ne va hors del haut chemin, & que il ne demurra a le Port (si il poit aver bone passage) forsque un flood & un ebb; & si il ne poit aver passage, que il alera chescun jour, durant xl. jours, en le Mere a son genue. Mes si tiel Felon que abjure ala hors de la chemin & sua a auter lieu, si il soit prise, il ferra amesne devant le Judge, & la avera judgment destre pendus.

Et sil que issint pria la privilege ne voile abjure, donques il avera privilege pour xl. jours, & chescun poit luy donner viand. Et si ascun don luy viand apres xl. jours, mesque il soit sa Feme, tiel doner est Felony. Auxy cestuy que abjure ferra deliver per un Constable al auter, & de un Franchise al auter, tanque il vient a son Port: Et si le Constable ne voet receive luy, il ferra grievusement amercie. Vide Juramentum in tractatu De abjuratiune Latronum.

C'est Ley fuit institute per S. Edward le Confessor, un Roy de cest Realm devant le Conquest, & fuit ground sur le Ley de mercie & pur le amour & reverence que il & auters ses Successors porteront al Meason de Dieu, ou lieu de Prayers & Administration de son parol & sacraments,

tried for the Felony: In which Case, before the Coroner he shall make such Confession which may make a sufficient Indictment of Felony: Then the Coroner at the Common Law shall make him forswear the Realm, and assign to him to what Port he shall go, and shall swear him that he go not out of the Highway, and that he abide not at the Port (if he may have good passage) above one flood and one ebb; and if he cannot have passage, then he shall go every day during xl. days in the Sea to the knees. But if such a Felon as abjures goes out of the Highway, and flies to another place, if he be taken, he shall be brought before the Judge, and there shall have Judgment to be hanged.

And if he who so prays the privilege will not abjure, then he shall have the Privilege for xl. Days, and every Man may give him meat and drink. And if any give him sustenance after xl. Days, although it be his Wife, such giving is Felony. Also he that doth abjure shall be delivered from one Constable to another, and from one Franchise to another, till he come to his Port: And if the Constable will not receive him, he shall be grievously amerced. See the Dath in the Treatise De abjurati-one Latronum.

This Law was instituted by S. Edward the Confessor, a King of this Realm before the Conquest, and was grounded upon the Law of Mercy, and for the Love and Reverence he and others his Successors did bear unto the House of God, or Place of Prayer and Administration of his Word and Sacraments, which

which we call the Church. Note, This Law is now changed by the Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. and 32. H. 8. cap. 12. by which it appears, that he at this Day shall not abjure the Realm, but all his Liberty of this Realm, and all his liberal and free Habitations, resorts and passages from all Places of this Realm, to one certain Place in this Realm thereto limited by 32 H. 8. cap. 13. and 33 H. 8. c. 15. See more in Staundf. li. 2. c. 10. and see the Statutes 1 Jac. c. 25. and 21 Jac. c. 28. for the Repeal of all Statutes concerning Abjured Persons, and the taking away of all Sanctuaries.

See the Statutes of 35 Eliz. cap. 12. for the Abjuration of Recusants, and Stat. 1 Jac. cap. 25, 28.

Abridgment of a Plaint or Demand.

A Bridgment of a Plaint or Demand is, where one brings an Affise, Writ of Dower, Writ of Ward, or such like: in which Cases, for that the Writ of Affise is, de libero tenemento, as in a Writ of Dower, the Writ is, *Rationabilem dotem quæ contingit de libero tenemento W. her Husband*, and in a Writ of Ward, the Writ is, *Custod. terrarum & hæredis*, &c. without shewing any Certainty in these Writs; but in the Plaint of the Affise, or Demand in the Writ of Dower, and in the Count in the Writ of Ward, the Plaintiff, or Demandant, is to shew the Certainty of the Acres or Parcels of Land: Then if the Tenant pleads Nontenure, or Joyntenancy, or some other

le quel nous appellomus Eglise. Note, cel Ley est ore change per Statutes 21 H. 8. cap. 2. 22 H. 8. cap. 14. & 32 H. 8. cap. 12. per queux appiert, que il a cel jour ne abjurera le Realm, mes tout son Liberty de cest Realm & tout son liberal & frank Habitations, Resorts, & Passage de tous lieux de cest Realm, a un certain lieu en cel Realm a ceo limit per 32 H. 8. c. 13. & 33 H. 8. c. 15. Vide plus in Staundf. lib. 2. c. 10. & vide ore le Stat. 1 Jac. c. 25. & 21 Jac. c. 28. pur repeal de tous Statutes que concern persons que abjure, & le toller des tous Sanctuaries.

Veies le Stat. de 35 Eliz. cap. 1, 2. per Abjuration de Recusants, & Stat. 1 Jac. cap. 25, 28.

Abridgement de Plaint ou Demand.

A Bridgment de Plaint ou Demand est lou un port un Affise, Brief de Dower, Brief de Gard, ou tiel semblables: en queux cases pur ceo que le Brief de Affise est, *de libero tenemento*, come en Brief de Dower, le Brief est, *Rationabilem dotem quæ contingit de libero tenemento W. son baron*, & en un Brief de Gard, le Brief est, *Custodia terrarum & hæredis*, &c. sans monstre aucun auter certainty en les Briefs; mes en le Plaint del Affise, ou Demand en le Brief de Dower, & en le Count en Brief de Gard, le Plaintiff ou Demandant monstra le certainty des acres ou parcells de Terre; la si le Tenant plead Nontenure, ou Joyntenancy,

ou

ou ascun autre tiel semblable plea, a parcel del terre demand, en abatement del Brief, le Plaintiff ou demandant poit abridger son Plaint ou Demand al cest parcel, cest adire, il poit omit hors cest part, & prie que le Tenant respondera al rest, a que il ne ad uncore plede ascun chose. Le cause est, pur ceo que en tielx Briefs le certainty n'est mis, mes est generalment: & nientobstant le Demandant ad abridge son Plaint ou Demand en part, uncore le Brief demurre bone pur le residue.

Accedas ad Curiam.

Accedas ad Curiam est un Brief direct al Vicount, luy commandant de aler a tiel Court de ascun Seignior ou Franchise, lou un Plaint est sue pur prisel del avers come Distress, ou ascun faux judgment est suppose destre fait en ascun Suit en tiel Court, quel n'est de Record; & que le Vicont la ferra Record del dit Sute en presence del Suitors de mesne le Court, & de quatuor autres Chivalers de le County, & ceo Record certifiera al Court le Roy, & a cel jour quel est assigne en le Brief.

Veies *Fitz. Nat. Brev. fol. 18.* Il gist cybien pur Justice delay come pur Judgment falsement done, & est come un Brief de *Recordare.*

C'est Brief est fait hors del Chancery, & returnable in *Banco Regis* ou en le Common Pleas.

such like Plea, to Parcel of the Land demanded, in Abatement of the Writ, the Plaintiff or Demandant may abridge his Plaint or Demand to that Parcel, that is, he may leave out that Part, and pray, that the Tenant may answer the rest, to which he hath not yet pleaded any Thing. The Cause is, for that in such Writs the Certainty is not set down, but is generally: And notwithstanding the Demandant hath abridged his Plaint or Demand in Part, yet the Writ remains good still for the rest.

Accedas ad Curiam.

Accedas ad Curiam is a Writ directed to the Sheriff, commanding him to go to such a Court of some Lord, or Franchise, where a Plaint is sued for taking of Beasts as a Distress, or any false Judgment is supposed to be made in any Suit in such a Court, which is not of Record; and that the Sheriff shall there make Record of the said Suit, in Presence of the Suitors of the same Court, and of four others, knights of the County, and certify it into the King's Court, and at the Day that is limited in the Writ.

See *Fitz. Nat. Brev. fol. 18.* It lies as well for Justice delayed, as Judgment falsely given, and is as a Writ of *Recordare.*

This Writ is made out of Chancery, and returnable into the King's Bench or Common Pleas.

Accedas

Accedas ad Vicecomitem.

Accedas ad Vicecomitem is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a Pone delivered him, suppresses it. *Regist. Orig. 83.*

Acceptance.

Acceptance is a taking in good Part, and as it were an Agreeing unto some Act done before, which might have been undone and avoided (if such Acceptance had not been) by him or them that so accepted: For Example, if a Bishop, before the Statute made 1 Eliz. lease Part of the Possessions of his Bishoprick for Term of Years, reserving Rent, and dies, and after another is made Bishop, who accepts, that is, takes or receives the Rent when it is due and ought to be paid; now by this Acceptance the Lease is made perfect and good, which else the new Bishop might very well have avoided.

The like Law is, if a Man and his Wife seised of Land in Right of the Wife, join and make a Lease or Feoffment by Deed, reserving Rent, and the Husband dies, she accepts or receives the Rent; by this the Feoffment or Lease is made perfect and good, and shall bar her of bringing a Cui in vita. *Co. Lit. 211. b.*

Accessories.

Accessories (*Accessorius vel Accessorium particeps criminis*.) are of two Sorts, by the Common Law, and by the Statute Law. Accessory by the Common Law is also of two Sorts, the one before the Offence is done,

Accedas ad Vicecomitem.

Accedas ad Vicecomitem est un Brief direct al Coroner, luy commandant a deliver un Brief al Vicont, que aiant un Pone a luy deliver, ceo suppressé. *Regist. Orig. 83.*

Acceptance.

Acceptance est un prendance en bon gree, & come un Agreement al ascun chose fait devant, le quel puit aver este disfait & avoid (si tiel Acceptance nad estre) per luy ou ceux que issint accepta: pur example, si un Evesque, devant le Statute fait *Anno primo Eliz.* lesse part del possessions de son Evesquery pur ans, reservant Rent, & morust, & puis un auter est fait Evesque, le quel accepta, c'est adire, prist ou receive le Rent quant il est due & doit estre pay; ore per cest Acceptance le Lease est fait perfect & bon, le quel autrement le novel Evesque poit affets bien avoid.

Semblable Ley est, si un home & sa feme, seisie de Terre en droit del feme, joyn & font Lease ou Feoffment per fait reservant Rent, & le baron morust, el accepta ou receive le Rent: per cel le Feoffment ou Lease est fait perfect & bon, & serra barr a luy de porter Cui in vita. *Co. Lit. 211. b.*

Accessories.

Accessories (*Accessorius ou Accessorium particeps criminis*) sont en deux sorts, per le Common Ley, & per le Statute Ley. Accessory per le Common Ley est auxy en deux sorts, l'un avant le fait est

est fait, le auter puis. *Accessory* devant le fait est celuy que commanda ou procura auter de faire Felony, & nest la present luy mesme quant l'auter le fait; mes sil soit present donques il est auxy Principal. *Accessory* puis le fait est celuy que receiva, favour, aida, assist, ou comfort ascun home que ad fait ascun Murder ou Felony dont il ad conusans. Tiel *Accessory* serra punish, & avera judgment de vie & de member, auxy bien come le Principal que fist le Felony: Mes tiel *Accessory* ne serra jammes mis a responder a ceo, tanque le Principal soit convict ou attainit, ou soit utlage de ceo. En Manslaughter home ne poit estre *Accessory* devant le fait, can Manslaughter covient ensuer sur sodain debate ou affray; car si soit premeditate ceo est Murder. Co. l. 4. f. 44. a.

Mes un feme en tiel case ne serra *Accessory* pur le aider de son baron. En grand ou hault Treason, cibien les commanders come les assistants & receivers sont tout foits Principals.

Si home counsel un feme a murder lenfant en sa venter, & apres lenfant est nee, & donque est murder per le feme en le absence de cunstuy que issint done le counsel; uncore il est *Accessory* per son counselling devant le nestre del enfant, & nient ceo countermandant. Dyer fo. 186. pl. 2.

Auxy un poit estre *accessory* al *Accessory*; sicome un feloniously receive un aut' que est *accessory* al Felony, la le Receiver est un *Accessory*.

the other after. *Accessory* before the Fact, is he that commands or procures another to do Felony, and is not there present himself when the other does it; but if he be present, then he is called Principal. *Accessory* after the Offence is he that receives, favours, aids, assists or comforts any Man that hath done any Murther or Felony, whereof he hath knowledge. Such an *Accessory* shall be punished, and shall have Judgment of Life and Member, as well as the Principal which did the Felony: But such an *Accessory* shall never be put to answer that 'till the Principal be attainit or convicted, or be outlawed thereupon. In Manslaughter, a Man cannot be *Accessory* before the Fact, for Manslaughter ought to ensue upon a sudden Debate or Affray; for if it be premeditated, it is Murther. Co. Lit. fol. 44. a.

But a Woman in such Case shall not be *Accessory* for helping her Husband. In great or high Treason, as well the Commanders as the Assistants and Receivers are always Principals.

If a Man counsels a Woman to murder the Child in her Womb, and after the Child is born, and then is murdered by the Woman in the absence of him who so gave the counsel; yet he is *Accessory* by his counselling before the Birth of the Infant, and not countermanding it. Dyer fo. 186. pl. 2.

Also one may be *Accessory* to an *Accessory*; as if one feloniously receive another that is *Accessory* to Felony, there the Receiver is an *Accessory*.

In highest and lowest Offences there are no Accessories, but all are Principals, as in High Treason, *crimen lese Majestatis*: So in Trespas, forcible Entries &c. which are the lowest.

Accessory by the Statute is such an one as abets, counsels or receives any Man who commits, or hath committed any Offence made Felony by Statute: For although the Statute doth not make Mention of Accessories, Abettors, &c. yet they are included by the Interpretation of the said Statutes. Staundf. pl. cor. li. 1. c. 45, 46, 47, 48.

See more of Accessory in the said Book of Pleas, lib. 1. cap. 44, 49, & 50.

Accompt.

A Ccount is a Writ, and it lies where a Bailiff or Receiver to any Lord, or other Man, who ought to render Accompt, will not give his Accompt; then he to whom the Accompt ought to be given shall have this Writ. And by the Statute of Westm. 2. cap. 10, if the Accomptant be found in arrearages, the Auditors that are assigned to him have Power to award him to Prison, there to abide till he have made satisfaction to the Party. But if the Auditors will not allow reasonable Expence and Costs, or if they charge him with more receipts than they ought, then his next Friend that will sue for him shall sue a Writ of Ex parte talis out of the Chancery directed to the Sheriff, to take four Mainperners to bring his Body before the Barons of the Exchequer at a certain Day, and to warn the

En Offences plus hault ou plus mean ils sont nul Accessories, mes tous sont Principals, come en Hault Treason, *crimen lese Majestatis*: Ils sont en Trespas, forcible Entries, &c. queux sont le plus mean.

Accessory per le Statute est tiel que abet, conseil ou receive aucun home que commit ou ad commit aucun offence fait Felony per Statute: Car coment que le Statute ne fait mention de Accessories, Abettors, &c, uncore ils sont include per le interpretation des dits Stat. Staundf. Pl. cor. l. 1 c. 45, 46, 47, 48.

Veies plus del Accessory in le dit Livre de les Pleees, l. 1. cap. 44, 49, & 50.

Accompt.

A Ccount est un Brief, & gist lou Bailiff ou Receiver d'aucun Seignior ou d'aut' home que doit render Accompt, ne voet render son Accompt; donques celui a que l'Accompt doit estre render avera cest Brief. Et per le Statute de Westm. 2. c. 10. si le Accomptant soit trove en arrearages, les Auditors que sont a luy assignes ont power de agarder luy a prison, la a demurrer tanque il a fait gree al party. Mes si les Auditors ne voyllont allower reasonable expence & costage, ou s'ils chargeront luy ove plusors receipts que ils duissent, donques son prochain amy que voit fuer per luy, suera un Brief de Ex parte talis hors del Chancery, direct al Vic' de prender 4 Mainperners de render son corps devant les Barons del Exchequer a certain

tain jour, & de garner le Seignior de appar' la a mesme le jour.

Lord to appear there the same Day.

Accord.

Accord.

A *Ccord* est un Agreement perent' deux al meins, pur satisfie un Offence ou Trespafs que le un ad fait al aut', pur le quel il ad agree de satisfier & content luy ove Recompence; quel si soit execut' & perform, donques pur ceo que cest Recompence est un plene satisfaction pur le Offence, serra un bon barr en le Ley, si lauter, apres l'Accord perform, voit fuer arriere un Action pur mesme le Trespafs.

Nota que le primer est properment appelle un *Accord*, le auter est un *Contract*.

A *Ccord* is an Agreement between two at the least, to satisfie an Offence or Trespafs that the one hath made to the other, for which he hath agreed to satisfie and content him with some Recompence; which if it be executed and performed, then, because this Recompence is a full satisfaction for the Offence, it shall be a good Bar in Law, if the other after the Accord performed, should sue again any Action for the same Trespafs.

Note, that the first is properly called an Accord, the other a Contract.

Acquietandis Plegiis.

Acquietandis Plegiis.

A *Cquietandis Plegiis* est un Brief pur un Surety vers son Creditor qui refuse de acquiter luy depuis son debt pay. Reg. fol. 158.

A *Cquietandis Plegiis* is a Writ for a Surety against his Creditor, who refuses to acquit him after his Debt paid. Reg. fol. 158.

Acquital.

Acquittal.

A *Cquital* est quant la est Seignior, Mesne & Tenant, & le Tenant tient de le Mesne certain Terres ou Tenements en Frank-almoign, Frank-marriage, ou tielx semblables, & le Mesne tient ouster auxy de Seignior paramount, ou desuis luy. Ore doit le Mesne acquit ou discharge le Tenant de tout & chescun maner de Service que ascun auter voit aver ou demand de lui concernant mesmes les Terres ou Tenements, pur ceo que le Tenant doit fair le service a le Mesne tantsolement, & nemy al divers Seigniors, pur un Tenement ou parcel del Terre, Mesme le Ley est ou il est

A *Cquital* is were there is a Lord, Mesne, and Tenant, and the Tenant holds of the Mesne certain Lands or Tenements in Frank-almoign, Frank-marriage, or such like, and the Mesne holds over also of the Lord paramount, or above him. Now ought the Mesne to acquit or discharge the Tenant of all and every manner of Service that any other would have, or demands of him concerning the same Lands or Tenements, because the Tenant must do his Service to the Mesne only, and not to divers Lords, for one Tenement or parcel of Land. The same Law is where there is Lord, Mesne, and Tenant,

Tenant, as aforesaid, and the Mesne grants to the Tenant (upon the Tenure made between them) to acquit and discharge him of all Rents, Services, and such like. This Discharge is called Acquittal.

Like Law is, if the Tenant holds of his Mesne by like Services, as the Mesne holds over of the Lord; and the Tenant doth, or pays his Services to the Mesne, but the Mesne doth not his Services to the chief Lord, wherefore he distrains the Beasts of the Tenant. In this Case the Mesne, for the equalness of the Services, ought to acquit the Tenant of the Service due unto the Lord. Also there is Acquittal in Law, & Acquittal in Fact. Acquittal in Law is, when two are appealed or indicted of felony, the one as Principal, the other as Accessory; the Principal being discharged, the Accessory by Consequence is also acquitted: And in this Case, as the Accessory is acquitted by the Law, so is the Principal in Fact. Staundf. pl. cor. fo. 168.

Acquittance.

A Cquittance is a Discharge in Writing of a Sum of Money, or other Duty which ought to be paid or done. As if one be bound to pay Money upon Obligation, or Rent reserved upon a Lease, or such like, and the Party to whom the Money or Duty should be paid or done, upon the Receipt thereof, or upon other agreement between them had, makes a Writing or Bill of his Hand in Discharge thereof, witnessing that he is paid, or otherwise contented, and therefore doth acquit and discharge him of the same. Which Acquit-

Seignior, Mesne, & Tenant come avant dit, & le Mesne grant al Tenant (sur le tenure fait perent' eux) pur acquit & discharge luy de tous Rents, Services, & tiel semblables. Ceo Discharge est appel *Acquital*.

Mesme le Ley est, si Tenant tient de son Mesne per autiels Services, come le Mesne tient quister del Seignior, & le Tenant fait ou paya Services al Mesne, mes le Mesne ne fe- soit ses Services al Seignior paramount, pur que il distrain les Beasts del Tenant. En cel case le Mesne, pur le oueltie des Services, doit acquit le Tenant del Services due al Seignior. Auxy la est *Acquital en Ley*, & *Acquital en Fait* *Acquital en Ley* est, ou deux sont appeal ou endict de Felony, lun come Principal, l'auter come Accessory; le Principal esteant discharge, le Accessory per consequent est auxy acquit: Et en cest case, sicome l'Accessory est acquit per le Ley, issint est le Principal en Fait. Staundf. pl. cor. fol. 168.

Acquittance.

A Cquittance est un Discharge en escript d'un Sum de money, ou auter duty que doit estre pay ou fait. sicome un soit oblige de payer money sur un obligation, ou Rent reserve sur un lease, ou tiel semblable, & le party a que le money ou duty doit estre pay ou fait, sur le receit de ceo, ou sur aut' agreement perenter eux ewe, fait Escrip ou Bill de son mayne en discharge de ceo, testimoignant que il est pay, ou autrement content & pur ceo acquit & discharge luy de ceo. Le quel Acquit-

tance

tance est tiel Discharge & Bar en la ley, que il ne poit demand & recover mesme le Sum ou duty au'foits, sil poit monstre le Acquittance.

C'est parol differt ab hoc quod in Jure Civili Acceptatio dicitur, quia illud fieri potest verbo sine scripto, & nihil aliud est quam ficta Solutio & Liberatio, licet Solutio non sit: Nec Apocha dici potest, quia cautio est soluta datare pecunia, que non liberat nisi pecunia soluta sit.

Acre.

Acre est un certain parcel de Terre que contain en longaur 40 Perches, & en latitude 4 Perches, ou a cest quantity soit le longueur plus ou meins. Et si un home voile erect un novel Cottage, il devoit mitter quater Acres de terre a ceo, solonque cest measure, 31 Eliz. cap. 7 Et ove cest measure agree Monsieur Crompton en son Jurisdiction de Courts, fo. 222. Uncore il dit que solonque les divers customs de several pais, le Perch differt, esteant en ascun lieux (& plus usualment) forsque dixsize pees & demie; mes en le Countie de Staff. le Perch est vint quat' pees, come fuit cy devant adjudge en le Exchequer. En Stat. fait ann. 24 H. 8. c. 14. pur emblement de Flax, 160 Perches font un Acre: Le Ordinance de admeasurement de terre fait ann. 34 E. 1. Stat. 1. agree ove cest account.

Action.

Action est le forme de un Suit donne per le Ley de recover chose; come Action de Debt,

tance is such a Discharge and Bar in the Law that he cannot demand and recover the Sum or Duty again, if he produce the Acquittance.

This Word differs from that which in the Civil Law is called Acceptation, because that may be by Word without writing, and is nothing but a feigned Payment and Discharge, though no Payment he had: Nor can it be said to be Apocha which is a witnessing the payment or delivery of Money, which discharges not unless the Money be paid.

Acre.

Acre is a certain parcel of Land that contains in length forty Perches, and in breadth four Perches, or of this quantity, be the length more or less. And if a Man would erect a new Cottage, he ought to lay four Acres of Land unto it, according to this Measure, 31 Eliz. cap. 7. And with this Measure agrees Master Crompton in his Jurisdiction of Courts, fol. 222. But he saith, that according to divers Customs of several Countries, the Perch differs, being in some Places (and most usually) but fifteen Foot and an half: But in the County of Stafford, the Perch is twenty four Foot, as was heretofore adjudged in the Exchequer. In the Stat. made an. 24 H. 8. c. 14. for the sowing of Flax, 160 Perches make an Acre. The Ordinance of measuring of Land made an. 34 E. 1. St. 1. agrees with this Account.

Action.

Action is the form of a Suit given by the Law to recover a Thing; as an Action of Debt, and

and such like; or as it is Co. 8. f. 151. a. An Action is a Right of prosecuting to judgment that which is due to any one; and is of three sorts, real, personal and mixt. Co. 2. Inst. fol. 40.

See the Lexicon of the Law, for Action.

Action of a Writ.

An Action of a Writ is a phrase of Speech used when one pleads some Matter, by which he shews that the Plaintiff had no Cause to have the Writ which he brought; and yet it may be that he may have another Writ or Action for the same Matter. Such a Plea is called a Plea to the Action of the Writ: Whereas if by the Plea it should appear that the Plaintiff hath no Cause to have an Action for the Thing demanded, then it shall be called a Plea to the Action.

Action upon the Case.

An Action upon the Case is a Writ brought against one for an Offence done without Force, as for not performing a Promise made by the Defendant to the Plaintiff, or for speaking of Words by which the Plaintiff is defamed, or for other Misdemeanors or Deceit; where the whole Case shall be contained in the Writ.

Trover, Nuisance, Slander of the Person, Trade, Title, Escape on Mesne Process, for negligent keeping Fire, for inartificial performing Work, for turning an ancient Watercourse, for a Commoner against one who digs the Soil of his Common, or puts his Tattel into it without Right, or incloses Part of the Common.

& tielx semblable; ou come est Co. 8. f. 151. a. *Actio est jus prosequendi in judic' quod alicui debetur*; & est de trois sorts, real, personal & mixt. Co. 2. Inst. fol. 40.

Vide Lexicon juris, pur Action.

Action del Brief.

Action del Brief est un phrase del parlance use quand un plead alcun matter, per que il monstre que le Plaintiff nad cause daver le Brief que il port, & uncore poit este que il poit aver auter Brief ou Action pur mesme le matter. Tiel Plea est appel *Plea al Action del Brief*: lou si per la Plea appiert que le Plaintiff n'averait aucun cause de aver aucun Action pur le chose demand, donques ceo serra dit Plea al Action.

Action sur le Case.

Action sur le Case est Brief port envers un pur alcun Offence fait sans force, come pur nient performance del Promise fait per le Defendant al Plaintiff; ou pur parlance des paroles per queux le Plaintiff est defame, ou pur auter misdemeanor ou deceit; lou tout le case serra contenu en le Brief.

Trover, Nuisance, Slander de Person, Trade, de Title, Escape sur mesne process, pur negligent garder de son feu, pur inartificialment performando opera, pro divertendo antiquum cursum aqua. pro Commoner vers un que foder le soil del Common, ou enjetta ses avers en ceo sans droit, ou inclose parcel de le Common.

Action mixt.

Action mixt est un Suit done per le Ley de recover le chose demand, & damages pur le tort fait; come en *Affise de nov' disseisin*. Quel Brief (si le Disseisor fait Feoffment al aut') le Disseisee avera vers le Disseisor & le Feoffee ou aut' ter-tenant, & en ceo recovera son Seisin del terres, & ses damages pur le mean profits, & pur le tort a luy fait. Et issint est un Action de *Waste & Quare impedit*. Mes un Action de Detinue n'est appel *Action mixt*, comment per ceo le chose detenus est demand, & ferra recover si poit estre trove, & damages pur le detainer; & si ne poit estre trove, donque damages pur la chose & le detainer.

Mes ceo est appel solement *Action personal*, pur ceo que ferra port solement pur biens ou Chattels, ou Charters.

Action sur le Statute.

Action sur le Statute est Brief foundu sur ascun Statute, lou per ascun Statute Action est done a un en ascun case lou nul tiel Action fuit devant: Come lou un commit Perjury al prejudice d'un aut', ce'uy que est damnifie avera Brief sur le Statute & son Case. Et le difference enter Action sur le Statute & Action popular est, Que lou le Statute done le Suit ou Action al party grieve, ou auterment a un person certain, ceo est appel *Action sur le Statute*: Mes lou per le Statute authority est done a chescun que voile de suer, ceo est appel *Action popular*.

Action mixt.

Action mixt is a Suit given by the Law to recover the Thing demanded, and Damages for the Wrong done; as in *Aff. of Novel diss.* which Writ (if the Disseisor make a feoffm. to another) the Disseisee shall have against the Disseisor and the Feoffee or other Ter-ten. and thereby shall recover his Seisin of the Land, and his Damages for the mean Profits, and for the Wrong done him. And so is an Action of Waste & Quare impedit. But an Action of Detinue is not called an Action mixt, although by it the Thing withheld is demanded, and shall be recovered if it may be found, and Damages for the withhold- ing; and if it cannot be found, then Damages for the Thing and the detaining.

But that is called only an Action personal, because it should be brought only for Goods and Chattels, or Charters.

Action upon the Statute.

Action upon the Statute is a writ founded upon any Statute, whereby an Action is given to one in any Case where no Action was before: As where one commits Perjury to the Prejudice of another, he who is injured shall have a Writ upon the Statute, and his Case. And the Difference between an Action upon the Statute, and Action popular is, That where the Statute gives the Suit or Action to the Party grieved, or otherwise to one Person certain, that is called Action upon the Statute: But where by the Statute Authority is given to every one that will to sue, that is termed Action popular.

Actions

Actions personal.

Actions personal are such Actions whereby a Man claims Debt, or other Goods and Chattels, or Damage for them, or Damages for Wrong done to his Person; and it is properly that which in the Civil Law is called *Actio in personam*, which is brought against him who is bound by Covenant or Default to give or grant any Thing.

Action popular.

Action popular is an Action given upon the Breach of some penal Statute, which Action every Man that will may sue for himself and the King, by Information or otherwise, as the Statute allows, and the Case requires. And of these Actions there are an infinite Number; but one for Example: As when any of the Jury, that are impanelled and sworn to pass between Party and Party indifferently, do take any Thing of the one Side or other, or of both Parties, to say their Verdict on that Side, then any Man that will, within the Year following the Offence, may sue a Writ called *Decies tantum* against him or them that so did take to give his Verdict. And because this Action is not given to one especially, but generally to any of the King's People that will sue, it is called an Action popular. But in this Case, when one hath begun to pursue an Action, no other may sue it; and in this, as it seems, it varies from an Action popular by the Civil Law.

According to the Stat. 1 H. 8. c. 4. it is enacted, That in all

Actions personal.

Actions personal sont tiels Actions per queux home claime dette, ou auter biens & chateux, ou damag' pur eux, ou damage pur tort fait a son person: & est properment cest que en le Civil Ley est appel *Actio in personam, que adversus eum intenditur, qui ex Contractu vel Delicto obligatus est aliquid dare vel concedere.*

Action popular.

Action popular est un Action que est done sur le breach dascun penal Statute, le quel Action chescun home que voit poit fuer pur luy mesme & le Roy, per information ou auterment, come le Statute allow, & le case require. Et de ceux Actions il y ad infinite number; mes un pur exemple est: Quand ascun del Jury, que sont impanel & jurus de passer perenter party & party indifferment, prist ascun chose de l'un party ou l'auter, ou de ambideux parties pur leur Verdict dire al ceo part, donques ascun home que voit, deins lan procheine ensuant le offence, poit fuer un Brief appel *Decies tantum* envers luy ou ceux que if sint prist pur leur Verdict dire. Et pur ceo que cest Action nest done al un home specialment, mes generalment al ascun des les people del Roy que voit fuer, il est appel un *Act' popular*. Mes en cel case quand un avoit commence de pur fuer cel Act', nul aut' poit ce fuer, & en ce, come semble, cel vary del act' popul' per le civil ley.

Solouque le Stat. 1 H. 8. c. 4. est enact, que en tous Actions

Actions personal, information serra fait deins trois ans puis le Offence commit, autrement d'estre de nul vigour.

ACTIONS real.

ACTIONS real sont tiels Actions per queux le Demandant clame title al ascun Terres ou Tenements, Rents, ou Commons, en fee-simple, fee-tail, ou pur terme de vie. Chescun action real est ou possessorie, cestascavoir, de son possession ou seisin demesne; ou ancestrel, sc. del seisin ou possession de son ancestor. Co. l. 6. f. 3.

Acton Burnel.

Acton Burnel est un Estatute fait 13 E. 1. Ann. 1285. ordainant le Statute-Merchant; & fuit issint appelle pour ceo que il fuit fait al *Acton Burnel*, un Chateau en le Counte de Salop, ancienment apperteignant al famille de Burnel.

Acts.

Acts de Parlement sont Leys positive que consist de deux parts, c'est a dire, de les parolx del Act, & del sens de ceo; & ils ambideux joynt ensemble font la Ley.

Additions.

Addition est ceo que est done al home ouster son proper nosme & surnosme, c'est a dire, pur monstrier de quel Estate, Degree, ou Mystery il est, & de quel Vill, Hamlet, ou County.

Additions de Estate sont ceux, Yeoman, Gentleman, Esquire, & tiels semblables.

Actions personal, Information shall be given within thzee Years after the Offence committed, otherwise to be of no Force.

ACTIONS real.

ACTIONS real are such Actions whereby the Demandant claims Title to any Lands or Tenements, Rents or Commons, in Fee-simple, Fee-tail, or for Term of Life. Every Action real is either Possessory, that is, of his own Possession or Seisin; or Ancestrel, scil. of the Seisin or Possession of his Ancestor. Co. lib. 6. f. 3.

Acton Burnel.

Acton Burnel is a Statute made 13 E. 1. Ann. 1285. ordaining the Statute-Merchant; and was so called because it was made at Acton Burnel, a Castle in Shropshire, anciently belonging to the Family of Burnel.

Acts.

Acts of Parliament are positive Laws, which consist of two Parts, that is to say, of the Words of the Act, and of the Sense; and they both joined together make the Law.

Additions.

Addition is that which is given to a Man besides his proper Name and Surname, that is to say, of what Estate, Degree, or Mystery he is, and of what Town, Hamlet, or County.

Additions of Estate are these, Yeoman, Gentleman, Esquire, and such like.

Ad-

Additions of Degree are those which we call Names of Dignity; as Knight, Earl, Marquess, Duke.

Additions of Mystery are Scrivener, Painter, Mason, Carpenter, and all other of like Nature: For Mystery is the Craft or Occupation whereby a Man gets his Living.

Additions of Towns, as Sale, Dale; and so of the rest.

And where a Man hath a Household in two Places, he shall be said to dwell in both of them; so that his Addition in one of them may suffice.

By the Stat. An. 1 H. 5. c. 5. it was ordained, That in Suits or Actions where Process of Utlary lies, such Additions should be to the Name of the Defendant, to shew his Estate, Mystery, and Place where he dwells; and that such Writs shall abate, if they have not such Additions, if the Defendant take Exception thereto; but they shall not abate by the Office of the Court.

Also Duke, Marquess, Earl, or Knight, are none of those Additions, but Names of Dignity, which should have been given before the Statute.

And this was ordained by the said Statute, to the Intent that one Man might not be grieved nor troubled by the Utlary of another: But that by Reason of the certain addition, every Man might be certainly known, and bear his own Burden.

In Original Writs, where Exigent shall be awarded, Addition of the Defendant's Name shall be inserted, but surplusage

Additions de degree sont ceux que nous appelomus nosmes de Dignity; come Chivalier, Count, Marquess, Duc.

Additions de Mystery sont ceux, Scrivener, Painter, Mason, Carpent', & tous aut's de semblable nature: Car Mystery est le craft ou Occupation per que home gain son living.

Addition de Villes, come Sale, Dale; & issint de les auters.

Et lou un home ad household en deux lieux, il serra dit demurrer en ambideux; issint que son Addition en un de eux suffist.

Fuir ordeine per le Statute An. 1 H. 5. c. 5. que en Suits ou Actions ou process de Utlagare gist, tiels Additions serra al nosme del Defend', a declarer son estate, mystery, & lieu ou il inhabit; & que tiels Briefs abateront, s'ils ne ount tiels Additions, si le Defendant prist exception a ceo; mes ils ne abateront per office del Court.

Auxy, Duke, Marquis, Counte, ou Chivaler, ne sont pas de ceux additions, mes nosmes de Dignity, queux duifsoint aver estre done devant le Statute.

Et ceo fuit ordeine per le dit Statute, al intent que un home ne serroit grieve ne trouble per le Utlagarie de un auter: Mes que per reason de le certain Addition, chescun home poit estre certainement conus, & porter sa burden demesne.

En Original Briefs lou Exigent serra agard, addition de nosme des Defendant serra insert, mes surplusage del additio

dition ne noyera. Vid. *Rast.* fol. 107, 280. *Stat.* 8 H. 6. c. 12. 9 H. 8. c. 4. 5 *El.* c. 23. *Vet. Nat. Brev.* 162. Vide 8 *Rep. Blackmore's Case.*

Ad inquirendum.

AD inquirendum est un Brief Judicial, commandant Inquiry de estre fait de ascun chose concernant une Cause pendant en Courts le Roy, pour le meillour Execution de Justice, come de Bastardy, & tielx semblable; dont pouvez veier grand diversite en la Table del Register Judicial, verbo *Ad inquirendum.*

Adjournment.

ADjournment est, quand ascun Court est dissolve & determin a present, & assigne destre garde arreare al autre lieu ou temps, & (moy semblable) est compound de deux parols (*ad*, ou *al*, & *jour.*)

Adjudication.

ADjudication est un donant per judgment, un Sentence ou Decree: Ilint nous dicimus, il fuit adjudge pur le Plaintiff, &c.

Admeasurement de Dower.

ADmeasurement de Dower est un Brief que gift lou un feme est endow per un Infant ou per un Gardein de pluus que devoit aver; le Heir en tiel case avera cest Brief, per quel la feme serra admeasurement, & le Heir restore a le surplusage. Mes si un abate, c'est a dire, un que nad droit enter apres le mort de baron, & endow le feme de cestuy que est mort de pluus que doit

of the Addition shall not prejudge. See *Rast.* f. 107, 280. *Stat.* 8 H. 6. c. 12. 9 H. 8. c. 4. 5 *El.* c. 23. *Vet. Nat. Brev.* 162. See 8 *Rep. Blackmore's Case.*

Ad inquirendum.

AD inquirendum is a Writ Judicial, commanding Inquiry to be made of any Thing touching a Cause depending in the King's Courts, for the better Execution of Justice, as of Bastardy, and such like; of which you may see great Diversity in the Table of the Register Judicial, verbo *Ad inquirendum.*

Adjournment.

ADjournment is, when any Court is dissolved and determined for the present, and assigned to be kept again at another Place or Time, and (methinks) is compounded of two Words (*ad*, or *al*, and *jour.*)

Adjudication.

ADjudication is a Giving by Judgment, a Sentence or Decree: Thus we say, it was adjudged for the Plaintiff, &c.

Admeasurement of Dower.

ADmeasurement of Dower is a Writ that lies where a Woman is indowed by an Infant, or by a Guardian, of more than she ought to have; the Heir in such Case shall have this Writ, whereby the Woman shall be admeasurement, and the Heir restored to the overplus. But if one abate, that is, one who hath no Right, enter after the Death of the Husband, and indow the Wife of him that is dead, of more than she

she ought to have, the Heir shall not have this Writ, but Assise de Mordancestor, against the Woman: And if she plead that she was indowed of the Land as of the Freehold of her Husband, the Heir shall shew how she was indowed by the Abatoz, and that she had more than she ought to have, and shall pray that he may be restoz'd to the Surplusage; and if it be found, he shall be restoz'd.

Admeasurement of Pasture.

Admeasurement of Pasture is a Writ that lies where many Tenants have Common Appendant in another Ground, and one overcharges the Common with many Beasts: Then the other Commoners may have this Writ against him. And also it may be brought by one Commoner only: But then it ought to be brought against all the other Commoners, and against him that surcharged, for that all the Commoners shall be admeasured.

And this Writ lies not against him nor for him that hath Common Appurtenant, or Common in Gross; but those who have Common Appendant, or Common because of Vicinage.

See the Diversity of all these Commons afterwards in the Title of Common.

Also this Writ lies not for the Lord, nor against the Lord, but the Lord may distrain the Beasts of the Tenant that are surplusage. But if the Lord overcharge the Common, the Commoner hath no Remedy by the Common Law, but an Assise of his Common.

aver, le Heir navera cest Brief, mes Assise de Mordancestor, vers la feme: & si el plede que el fuit endow de ceo terre come del Franktenement sa baron, le Heir monstre comment el fuit endow per le Abator, & que el ad plus que devoit aver, & priera que il soit restore al surplusage; & si soit trove, il serra restore.

Admeasurement de Pasture.

Admeasurement de Pasture est un Brief, que gist lou plusors Tenants ont Common append' en autre terre, & un surcharge de Common ove plusors avers: Donques lauters Commoners point aver cest Brief vers luy. Et auxy poit estre port per un Common' seulement: Mes donques covient estre port vers tous lauters Commoners & vers cestuy que surcharge, pur ceo que tous les Commoners ferront admeasures.

Et ceo Brief ne gist vers luy ne pur luy que ad Common appurtenant, ou Common in gross; mes ceux que ont Common appendant, ou Common pur cause de vicinage.

Vide le diversity de tout ceux Commons apres en le title de Common.

Auxy cest Brief ne gist per le Seignior, ne vers le Seignior, mes le Seignior poit distrain les avers le Tenant que sont surplusage. Mes si le Seignior surcharge le Common, les Commoners nont Remedy per le common Ley, mes un Assise de son Common.

Administrator.

Administrator est celuy a que le Ordinary commit le administration des biens le mort pur default de Executor, & un Action giser vers luy, & pur luy, come pur Executor, & serra charge jesques al value des biens le mort, & nient ouster, sil ne soit per son faux Plea, ou pur ceo que il ad wast les biens le mort. Si le Administrator devie, ses Executors ne sont Administrators, mes covient al Ordinary de comitter novel administration. Et si un estrange, que nest Administrator ne Executor, prist les biens del mort, & administer de son tort demesne, il serra charge & sue come Executor, & ne my come Administrat, en aucun Action que est port vers luy per aucun Creditor. Mes si le Ordinary fait un Brief *ad colligendum bona defuncti*, celuy que ad tiel Lett nest Administrator, mes le Action gist vers le Ordinary, auxy bien come sil prist les biens en son main demesne, ou per le main de aucun de ses servants per aucun autre commandment.

Est auxy un autre sort de Administrator, lou un fist son volunt, & fist un infant diens age de 17 son Executor. Le Evesque commit administration al aucun amy durant le nonage de le Executor, quel Administrat, sil sue, ne count que le mort devy intest. Quel administration cessa quand le enfant est 17 ans de age.

Administrator.

Administrator is he to whom the Ordinary commits the Administration of the Goods of a dead Man for Default of an Executor, and an Action shall lie against him, and for him, as for an Executor, and he shall be charged to the Value of the Goods of the dead Man, and no farther, unless it be by some false Plea, or by wasting the Goods of the Dead. If the Administrator die, his Executors are not Administrators, but it behoves the Ordinary to commit a new Administration. And if a Stranger that is not Administrator nor Executor, take the Goods of the dead, and administer of his own Wrong, he shall be charged and sued as an Executor, and not as Administrator, in any Action brought against him by any Creditor. But if the Ordinary make a Letter *ad colligendum bona defuncti*, he that hath such a Letter is not Administrator, but the Action lieth against the Ordinary, as well as if he take the Goods in his own Hand, or by the Hand of any of his Servants by any other Commandment.

There is also another Sort of Administrator, where one makes his Will, and makes an Infant under the Age of 17 his Executor. The Bishop commits Administration to some Friend during the nonage of the Executor, which Administrator, if he sue, does not declare that the deceased died intestate. Which Administration ceases when the Infant is 17 Years old.

Admiral.

Admiral is a high Officer that has the Government of the King's Navy, and the hearing and determining of all Causes, as well Civil as Criminal, belonging to the Sea; and to that purpose hath his Court called the Admiralty. He may cause his Citation to be served upon the Land, and take the Party's Body or Goods in Execution upon the Land.

Also he hath Cognizance of the Death or Maihem of a Man, committed in any great Ship fleeing in great Rivers in the Realm, beneath the Bridges of the same next the Sea.

Also to arrest Ships in the great Streams for the Voyages of the King and Realm; and hath Jurisdiction in the said Streams during the same Voyages.

Admission.

Admission is when the Bishop upon Examination, admits a Clerk to be able, and says, *Admitto te habilem.* Co. Litt. 234. a.

Admittendo Clerico.

Admittendo Clerico is a Writ granted to him who hath recovered his Right to a Presentation against the Bishop in the Com. B. See the Form of it in Fitz. Nat. Brev. 38. and Reg. Orig. 33. a.

Ad quod damnum.

Ad quod Damnum is a Writ which ought to be sued before the King grant certain Liberties, as a Fair, Market, or such like, which may be prejudicial to others. And thereby it

Admiral.

Admiral est un haut Officier que ad le Regiment de la Navy del Roy, & l'audition & termination de tout Causes, cybien civil come criminel, appartenant al Mere; & pur cest purpose il ad son Court appelle le *Admiralty*. Il poit causer son Citation desre serve sur le Terre, & prendre le corps del party ou biens en Execut' sur Terre.

Item il ad Cognissance del mort ou maihem de un home, fait en ascun grand Nief flottant en grand Rivers en le Realm, de base les Ponts de eux prochein al Mere.

Auxy pur arrest Niefs en les grand Streams pur les voyages del Roy & Realm; & ad jurisdiction en les dits Streams durant mesmes Voyages.

Admission.

Admission est quand l'Evesque sur examination admit un Clerke d'estre capable, & dit, *Admitto te habilem.* Co. Litt. 234. a.

Admittendo Clerico.

Admittendo Clerico est un Brief grant a celuy que avoit recover son droit al Presentation vers le Evesque en le Com. B. Veies le Form de ceo en Fitz. Nat. Brev. 38. & Reg. Orig. 33. a.

Ad quod damnum.

Ad quod Damnum est un Brief que doit estre sue devant le Roy grant certain Liberties, come Faire, Market, ou tielx semblables, qu'aux poient estre prejudicial al aut'. Et per

per ceo ferra inquire si serroit prejudice a granter eux, & a que ferra prejudicial, & que prejudice ent aviendra.

Est auxy un auter Brief de *Ad quod damnum*, si un voil divert un common chymin, & faire un novel chymin cy beneficial. Ambideux queux (coment trove destre nient prejudicial) poiët estre travers en auter Action, coment que le Roy ad fait son grant pursuant al Verdict del Jury.

Advent.

ADvent est un temps que contein environ un moys prochein devant le Feast del Nestre de nostre Saviour Christ; & pur ceo vocat' *Preparatio sancta in adventum Domini*. En que nostre Ancestors ont repose grand reverence pur le propinquity d' cel solemn Feast, issinr que tous Suits en Ley fueront donques remit pur un season. Pur quoy la suit un Statute ordein, *West. 1. c. 48.* que nient obstant le dit Solemnity, puit estre Loyal, en respect de Justice & Charity a prender Assises de *Novel disseisin & Darreine presentment*, en le temps de *Advent, Septuagesima, & Quadragesima*. C'est un des temps de le commencement de quel usque a les Octaves de l'Epiphany le solemnizing de Espousals sont prohibit de estre solemnize sans especial Licence, accordant a les Verses:

*Conjugium Adventus prohibet,
Hilarique relaxat:
Septuagena venit, sed Paschæ
Ostava reducit.
Rogatio vetitat, concedit
Trina potestas.*

shall be inquired if it should be a Prejudice to grant them, and to whom it shall be prejudicial, and what prejudice shall come thereby.

There is also another Writ of *Ad quod damnum*, if any one will turn a common Highway, and lay out another Way as beneficial. Both which (tho' not found to be prejudicial) may be traversed in another Action, although the King hath made his Grant pursuant to the Verdict of the Jury.

Advent.

ADvent is a Time which contains about a Month next before the Feast of the Nativity of our Saviour Christ; and therefore called a holy Preparation against the coming of our Lord. In which our Ancestors reposed great Reverence for the Nearness of that solemn Feast; so that all Suits in Law were then remitted for a Season: Wherefore there was a Statute ordained, *Westm. 1. cap. 48.* that, notwithstanding the said Solemnity, it might be lawful, in Respect of Justice and Charity, to take Assises of Novel disseisin and Darreine Presentment, in the Times of Advent, Septuagesima, and Lent. This is one of the Times from the Beginning of which until the Octaves of Epiphany, the solemnizing of Marriages is prohibited to be solemnized without special License, according to the Verses:

*Advent all Marriage forbids,
Hilary's Feast to Nuptials tends:
And Septuagint no Wedding rids,
Yet Easter Octaves that amends.
Rogation hinders hasty Loves,
But Trinity that Let removes.*

But

But the Bishop may dispense with a Marriage within these Times, and it is good.

Ad ventrem inspiciendum.

AD ventrem inspiciendum is a Writ mentioned in the Stat. of Essoins, An. 12. Ed. 2.

Advocatione decimarum.

AD vocatione decimarum is a Writ which lies for claiming the fourth Part or more of Tithes which belong to the Church. Reg. of Writs, fol. 29. b.

Advowson.

AD vovson is, where a Man and his Heirs have a Right to present their Clerk to a Parsonage, or other spiritual Benefice, when it becomes void. And he which hath such Right to present is called Patron.

In gross is when one is seised of it only by it self. And there is an Advowson appendant to a Manor, or to a Rectory; and this may be sold by it self, and then it is in gross, and is severed from the Manor and Rectory.

Affeerors.

A ffeerors are such as be appointed in Court-Leets, &c. to mulct those who have committed any Fault which is arbitrarily punishable, and for which no express Penalty is prescribed by Statute. You may see the Form of their Oath in Kitchen, fol. 46. If the Jurors in the Leet receive the Articles, and being commanded to answer to them, and present, they refuse so to do, then they shall be amerced; yet the Amerciament of every Juror shall be affeered according to his Offence. So in Affise of

Mes l'Evesque poit dispense ove un Marriage deins ceux temps, & ceo est bien.

Ad ventrem inspiciendum.

AD ventrem inspiciendum est un Brief mention en le Stat. de Essoias, An. 12. Ed. 2.

Advocatione decimarum.

AD vocatione decimarum est un Brief que gist pur le clamer de quart part ou pluis de dismes que appertienont al Eglise. Reg. Brov. fol. 29. b.

Advowson.

AD vovson est, lou un home & ses heirs ont droit de presenter leur Clerk al un Parsonage, ou aut' Espiritual Benefice quand il devient void. Et celuy que ad tiel droit de presenter est appel Patron.

En gross est lou home est seisie de ceo solement per luy mesme. Et est Advowson appendant al un Manor ou al un Rectory, & ceo poit estre vend per luy, & tunc est en gross & sever del Manor & Rectory.

Affeerors.

A ffeerors sont tiels que sont designe en Court-leets, &c. a mulcter tiels que ont comit ascun peche que est arbitralement punishable, & pur quel nul expresse penalty est prescribe per Statute. Poies veier le form de leur Serement en Kitch. fo. 46. Si les Jurors en un Leet recevont les Articles, & esteant command a responder al eux, & present, ils refuse issint a faire, donque ils seront amerce; uncore l'americiament de chescun Juror serra affeere solongue a son

son offence. Issint en assise de *Novel disseisin*, tous les Disseisours seront amercie, & chescun serra asseera per luy. Mes si un Ville soit amercie, la l'Assurance serra general, car la nest asc' certain personne nosme, come en les cases paravant dit. Et si un Jury en un Leet taxe un amerciamient, ceo fust sans ascun asseerment, car le amerciamient est le act del Court, & le asseerment le act del Jury. Co. lib. 8. f. 39, 40. b. & lib. 11. *Golfrey's Case*.

Novel disseisin all the Disseisors shall be amerced, and every one shall be asseered by himself. But if a Town be amerced, there the Assurance shall be general, for there is not any certain Person named, as in the Cases aforesaid. And if a Jury in a Leet tax an Amerciamient, this suffices without any Asseerment; for the Amerciamient is the Act of the Court, and the Asseerment is the Act of the Jury. Co. lib. 8. fol. 39, 40. b. & lib. 11. *Godfrey's Case*.

Affiance.

Affiance est le plight del foy ent' home & feme sur un agreement dun Marriage destre solemnize entre eux; & *affidare*, de quel cest parol est derive, est tant a dire come *fidem ad alium dare*. Et cest parol *Affiance* est use per *Littleton*, chap. de *Dower*, Sect. 39.

Affiance.

Affiance is the plighting of Troth betwixt a Man and a Woman upon the Agreement of a Marriage to be had between them; and *affidare*, from whence this Word is deribed, is as much as *fidem ad alium dare*. And this Word *Affiance* is used by *Littleton*, chap. *Dower*, Sect. 39.

Affirmare.

Affirmare signifie a ratifier ou confirmer un prior Ley ou Judgment.

To affirm.

Affirm signifies to ratifie or confirm a former Law or Judgment.

Afforest.

Afforest est convertir terre en Forest. *Charea de Forest*. cap. 1. & 30. An. 9. H. 3.

Afforest.

Afforest is to turn Ground into Forest. *Charta de Foresta*. cap. 1. & 30. Anno 9. H. 3.

Affray.

Affray venust del parol Francois (*effrayer*) que signifie *terrere* sive *horrificare*; & issint un Affray poit estre sans parol ou buffe done, & issint cest parol est use en le Stat. de North. 2. E. 3. c. 3. Mes en nostre livres cest parol est plus foits confound ove le parol *Affault*, come appiert per *Lambard* en son *Eirenarch*. lib. 1. c.

Affray.

Affray comes of the French Word (*effrayer*) which signifies to affright or scare; therefore an Affray may be without Word or Blow given, and so this Word is used in the Statute of North. 2. E. 3. cap. 3. But it is in our Books many times confounded with the Word *Affault*, as it appeareth by *Lambard* in his *Eirenarch*. lib. 1. cap. 17. Met,

as it is there said, they differ in this, that an Assault is but a Wrong to the Party, but an Affray is a Wrong to the Commonwealth: And therefore an Affray is inquirable and punishable in a Leet. Also an Assault is made most commonly but on one Side; but an Affray is the fighting of many together.

Agent and Patient.

Agent and Patient is, when a Man is the Doer of a thing and the Party to whom it is done; as where a Woman endows her self of the fairest Part of the Possession of her Husband. So if a Man hath 10 Pounds issuing out of certain Land, and he disseises the Tenant of the Land, in an Assise brought by the Disseisee, the Disseisor shall recoup the Rent in the Damages; so that where the mean Profits of the Land in such Case were to the Value of 13 l. the Disseisee shall recover but three Pounds. Also if a Man be indebted to another, and after makes the Party to whom he is so indebted his Executor, and dies, the Executor may retain so much of the Goods of the Dead in his Hands as his own Debt amounts to: and by this Retainer he is the Agent and the Patient, that is, the Party to whom the Debt is due, and the Party that pays the same.

But a Man shall not be Judge in his own Case, as is resolved, Coke lib. 8. fol. 118. in Bonham's Case, That the Censors cannot be Judges, Ministers, and Parties; Judges to give Sentence or Judgment, Ministers to make Summons, and Parties to have the Half of the Forfeiture. And

17. Mes uncore, come est la dit, ils differont en ceo, que un Assault nest forsque un tort al party, mes un Affray est un tort al bien publique: & pur ceo un Affray est inquirable & punishable en un Leet. Auxy un Assault est fait plus tost forsque sur lun part; mes un Affray est le combatre de plusieurs ensemble.

Agent & Patient.

Agent & Patient est, quand un home est le feisor de un chose, & le partie a que il est fait; come lou feme endow luy mesme de la pluis belle part de possession de sa baron. Issint si home ad dix livres issuant hors de certain terre, & il disseise le Tenant del terre, en Assise port per le Disseisee, le Disseisor recoupera le Rent en le Damages; issint que ou le mesme profits del terre en tiel case fueront al value de 13 livres, le Disseisee recouvera forsque trois livres, Auxy si un home soit endet a un autre, & puis fait le partie a que il est issint endette son Executor, & morust, le Executor poit retenir tant des biens del mort en ses mains come son Dette demesme amountera; & per ceo deteiner il est le Agent & le Patient, cestascavoir, le partie a que le Dette est due, & le partie que ceo paya.

Mes home ne serra judge en son cause demesme come est resolve, Coke lib. 8. fol. 118. en Bonham's Case, Que les Censors ne poyent estre Judges, Ministers, & Parties; Judges a doner sentence ou judgment, Ministers a fair summons, & Parties de aver le

le moiety del forfeiture. Et comment que Act de Parliament done a ascun, a tener ou de aver conusans de tous maners des Pleas devant luy surdant deins son Manor de D. uncore il tenera nul Plea a que il mesme est party; *Quia iniquum est aliquem suæ rei esse iudicem.*

Age prier.

AGE prier est, quand Action est port vers un Enfant, de Terre que il ad per discent, la il monstra le matter al Court, & prayera que le Action demur tanque a son plein age de 21 ans, & issint per agarde de Court le Suit surcessera.

Mes en Brief de Dower & en Assise, & auxy en tiels Actions lou le Infant est suppose a vener al Terre en demand de son tort demesne, il navera sa age.

Auxy nota, que sont plusieurs diversities de Ages. Car le Seignior avera aide de son Tenant en Socage pur marrier sa file, quand la file est del age de sept ans: & aide pur faire son fits & heir Chivaler, quand il est del age de sept ans.

Feme que est Espouse al age de 9 ans, si sa baron morust seisie, avera Dower, & nemy devant.

Auxy 14 ans est le age de feme, que ne serra en Gard, si el fuit de tiel age al temps del mort son Ancestor; mes si el fuit deins age de 14 ans, & en gard son Seignior, donques el serra en Gard tanque al age de 16 ans. Et 21 ans est le age de Heir male de-

although an Act of Parliament yields to any one to hold or to have Conusance of all Manner of Pleas arising before him within his Manor of D. yet he shall hold no Plea to which he himself is Party; *Quia iniquum est aliquem suæ rei esse iudicem.*

Age prier.

AGE prier is when an Action is brought against an Infant for Land which he hath by Descent, there he shall shew the Matter to the Court, and shall pray that the Action may stay till his full Age of 21 Years, and so by Award of the Court the Suit shall surcease.

But in a Writ of Dower and in Assise, and also in such Actions where the Infant is supposed to come to the Land demanded by his own Wrong, he shall not have his Age.

And note well, That there are many Diversities of Ages. For the Lord shall have Aid of his Tenant in Socage to marry his Daughter, when the Daughter is of the Age of 7 Years, and Aid to make his Son and Heir a Knight, when he is of the Age of 7 Years.

A Woman who is married at the Age of 9 Years, if her Husband die seised, shall have Dower, and not before.

And 14 Years is the Age of a Woman, who shall not be in Ward, if she were at such Age at the Time of the Death of her Ancestor; but if she were within the Age of 14 Years, and in Ward of the Lord, then she shall be in Ward till the Age of 16 Years. And 21 Years is the Age of the Heir male

to be in Ward, and after that out of Ward.

Also that is the Age of Male and Female to sue and to be sued for Lands, which they have or claim by Descent, and to make all Manner of Contracts and Bargains, and not before: But if such an Infant within the Age of 21 Years gives his Goods, and the Donee take them, the Infant may have an Action of Trespass: But otherwise it is if he deliver them himself. See Coke lib. 3. f. 13. a. l. 6. f. 3.

Agist.

A Gift seems to come of the French Giser (i. jacere) or of Gister, (i. stabulari) a Word proper for Deer; and therefore Budæus lib. poster. Philologiæ, says that Gift idem est quod Lustrum vel Cubile. And Agist in our Common Law signifies to take in and feed the Cattle of a Stranger in the King's Forests; and therefore those Officers in the Forest that thus take in Cattel, and gather the Money for the Feed of them, are called Agistors, and the Feed or Herbage of the Cattle is called Agistment; which in a large Signification extends to all manner of Common of Herbage of any kind of Ground, or Land, or Woods, or the Money that is due or received for the same, as well out of Forests as within them. See Manwood's Forest-Laws. c. 11. fo. 80.

Agreement.

A Greement is thus defined or expounded in Plowden's Commentaries: Agreementum is compounded of two Words, namely, Aggregatio and Mentium, that is, Agreement of

stre en Gard, & apres-ceo hors de Gard.

Et auxy il est le age de male & female de suer & destre sue des Terres que ils ont ou claime per descent, & de faire tous manners de Contracts & Bargains, & nient devant: Mes si tiel Enfant deins age de 21 ans done ses biens, & le Donee eux prist, le Enfant poit aver un Action de Trespass: Mes autrement il est sil deliver eux. Vide Co. l. 3. fol. 13. a. l. 6. f. 3.

Agist.

A Gift semble de vener del François Giser (i. jacere) ou del Gister (i. stabulari) un parol proper as Dames; & pur ceo Budæus lib. poster. Philologiæ, dit que Gift idem est quod Lustrum vel Cubile. Et Agist en notre Common Ley signifie de prendre eins & depasture le avers d'un estranger deins les Forests le Roy; & pur ceo les Officers en le Forests, que en tiel manner prent eins avers, & collect les deniers pur le pasturage de eux, sont appelle Agistors, & le pasturage & herbage de avers est appel Agistment; que en un large signification extend al tous manners del Common del Herbage de ascun kind de terre, ou bois, ou les deniers que sont due & receive pur ceo, cybien hors de Forests come deins eux. Vide Manw. Forest Leys. cap. 11. f. 80.

Agreement.

A Greement est en cest manner define ou expounde en Plowden's Commentaries: Agreementum est compound de deux parolx, cestascavoir, de Aggregatio & Mentium, c'est a dire,

dire, Agreement de ments. Il s'ent que *Agreementum* est *Aggregatio mentium in re aliqua facta vel facienda*; & per le contraction de les deux parolx, *Aggregatio* & *Mentium*, & per le corrupt & brief parlance de eux, ils sont fait un parol, cest-à-savoir, *Agreement*, le quel nest aut' chose que un union, copulation, & conjunction de deux ou plusors ments in ascun chose fait ou destre fait. (Veies apres en *Testament*.) Et cest agreement est en 3 manners.

Le primer est un agreement execut' en fait al commencement.

Le second est un agreement puis un act fait per auter, & est un agreement executed auxy.

Le tierce est un agreement executory, ou destre fait en temps uncore avenir.

Le primer que est un agreement executed en fait al commencement, est tiel de que mention est fait en le Stat. de 25 E. 3. cap. 3. de Pannis, en le quart Stat', que dit, que les biens & choses achates per Forestallers, que de ceo serront attraints, soient forfeits al Roy, si le achator ent uist fait gree al vendor. En quel case cest parol (*gree*) que est auterment appel agreement, serra entende agreement execute, viz. payment pur les choses.

Le second manner de agreement est, lou un fait un chose ou act, & un auter agree ou assent a ceo apres: Come si un fait Disseisin a mon use, & apres jeo agree a ceo, ore jeo serra Disseisor ab initio. Et tiel agreement est un agreement puis un act fait.

Minds. So that Agreement is a Consent of Minds in some Things done or to be done; and by drawing together the two Words, *Aggregatio* and *Mentium*, and by the hasty and short Pronouncing of them, they are made one Word, to wit, *Agreementum*, which is no other than a joining, coupling, and knitting together of two or more Minds in any Thing done or to be done, (See after in *Testament*.) And this Agreement is in three Manners.

The first is an Agreement executed already at the beginning.

The second is an Agreement after an Act done by another, and is an Agreement executed also.

The third is an Agreement executory, or to be done in Time yet to come.

The first, which is an Agreement executed already at the beginning, is such whereof mention is made in the Stat. of 25 E. 3. c. 3. of Clothes, in the 4th Stat. which saith, That the Goods and Things bought by Forestallers, being thereof attainted, shall be forfeit to the King, if the Buyer have made Gree with the Seller. In which Case the word (*Gree*) which is otherwise called Agreement, shall be extended to Agreement executed, that is, Payment for the Things.

The second Manner of Agreement is, where one doth a Thing or Act, and another agrees or assents thereunto afterwards: As if one makes a Disseisin to my Use, and afterwards I agree to it, now I shall be a Disseisor from the Beginning. And such an Agreement is an Agreement after an Act done.

The third Agreement is, when both Parties at one Time are agreed that such a Thing shall be done in Time to come: And this Agreement is executory, in as much as the Thing shall be done after, and yet there their Minds agreed at one Time. But because the Performance shall be afterward, and the Thing upon which the Agreement was made remains to be done, that Agreement shall be called Executory. And that the Stat. of 26 H. 8. c. 3. doth prove, which saith, That every Vicar, Parson, and such like, &c. before their actual Possession or meddling with the Profits of their Benefices, shall satisfy, content, &c. or agree to pay to the Use of the King the First-Fruits, &c. and if any such Parson or Vicar, &c. enter in actual Possession, &c. this Agreement is to be understood Executory, as Common Usage proves: For it is used, That he, with one or two with him, do make two or three Obligations, for it is to be paid at certain Days after. And this Agreement Executory is divided into two Points: One is an Agreement executory which is certain at the beginning, as is said last before of the First-fruits.

The other is, when the Certainty doth not appear at the first, and the Parties are agreed that the Thing shall be performed or payed upon the Certainty known: As if one sell to another all his Wheat in such a Bay of his Barn unthreshed, and it is agreed between them, that he shall pay for every bushel 3 s. when it is threshed, clean and measured.

Le tierce agreement est quant ambideux parties a un temps, sont accords que tiel chose serra fait en temps avenir: Et ceo agreement est executorie, entant que le chose serra fait apres, & uncore la lour mens accord a un temps. Mes entant que le performance serra apres, & issint le chose sur que l'agreement suit fait remaine a faire, ceo agreement serra dit executorie. Et ceo le Stat. 26 H. 8. cap 3. prove, ou il dit, Que chescun Vicar, Parson, & autiels, &c. devant lour actual possession ou meddling ove les profits de lour Benefice, satisfiera, contentera, &c. ou agreera a payer al use le Roy les prime fruits, &c. Et si ascun tiel Parson, Vicar, &c. ent' en actual possession, &c. ceo agreement est destre entend executorie, come le common usage prove: Car est use que il, ove un ou deux ove luy, fait deux vel trois Obligations pur ceo destre pay en certain jours apres. Et cest agreement executory est divide en deux points: Un est agreement executory que est certain al commencement, come est dit darrein devant del Premier-fruits.

L'auter est, lou le certainty ne appiert al primes, & les parties sont accords que le chose serra perform ou pay sur le certainty conus: Come si un vende al auter tout son Wheat en tiel tasse en son Barn nient thresh, & il est agree parent' eux, que il payera pur chescun Bushel 3 s. quant il est thresh, clean & measure.

Aide.

A ID *pryer* est un Justification del Title per le assistance d'autres en joynant ove luy, come quand Tenant a term de vie, Tenant en dower, Tenant per le curtesie, ou Tenañt en taile apres possibility de issue extinct, est emplede; dunque pur ceo que ils nont estate forsq; pur terme de vie, ils prieront Aide de cestuy en le Reversion, & Process sera fait per Brief vers luy, de vener & pleder ove le Tenant in defence del Terre, si voile: Mes ils covient que ils accord en Plea, car s'ils varie, le Plea le Tenant serra prise, & dunque l'aid-prier est en vain; mes si ne vient al second Brief, le Tenant respondera sole.

Auxy Tenant pur ans, Tenant a volunt, Tenant per *Elegit*, & Tenant per Statute-Merchant averont aid de cestuy en le Reversion; & le Servant & Bailly de leur Master, quand ils ont fait ascun chose loyallyment en le droit leur Master, averont Aid.

C'est parol est ascun foits apply al Subsidies, come en 14 E. 3. Stat. 2. cap. 1. Auter foits a un Prestation due de les Tenants a leur Seigniors; come pur relief due al Seignior paramount, ou pur le feissance de son firs Chival', ou pur l'espousing de sa file. *Glan. l. 9. cap. 8.*

C'est Aid le Roy, ou auter Seign' per l'ancien Ley de *Angleterre*, puit giser sur leur Tenants, pur fair son firs Chival' al age de 15 ans, & espouser sa file al age de 7 ans, *Reg. Orig. f. 87. a* & a quel rate ils pleiront. Mes le Stat. de *West. 1.*

Aid.

A ID *pryer* is the Justification of a Title by the Assistance of others in joining with him, as when a Tenant for Term of Life, Tenant in Dower, Tenant by Courtesie, or Tenant in Tail after Possibility of Issue extinct, is impleaded; then, for that they have no Estate but for Term of Life, they shall pray in Aid of them in the Reversion, and Process shall be made by Writ against him, to come and plead with the Tenant in the defence of the Land, if he will: But it behoves that they agree in the Plea; for if they vary, the Plea of the Tenant shall be taken, and then the Aid-prayer is void; but if he come not at the 2d Writ, then the Tenant shall answer sole.

Also Tenant for Years, Tenant at Will, Tenant by Elegit, and Tenant by Statute-Merchant, shall have Aid of him in the Reversion; and the Servant and Bailiff of their Master, when they have done any thing lawfully in the Right of their Master, shall have aid.

The Word is sometimes applied to Subsidies, as in 14 E. 3. Stat. 2. cap. 1. Other Times to a Prestation due from the Tenants to their Lords; as for Relief due to the Lord paramount, or for the making of his Son a Knight, or for marrying of his Daughter. *Glan. lib. 9. c. 8.*

This Aid the King or other Lord by the ancient Law of England, may lay upon their Tenants to make his Son Knight at the Age of 15 Years, and to marry his Daughter at the Age of 7 Years, *Reg. Orig. fol. 87. a.* and that at what Rate they please. But

But the Stat. of West. 1. made An 3. Ed. 1. ordained a Restraint for any great or large Demand made by Common Persons, being Lords, in this Case; and hath tied them to a certain Rate; and the Stat. of 25 Ed. 3. Stat. 5. c. 11. provides that the Rate which is appointed by the former Stat. shall be held in the King as well as in other Lords.

Aid of the King.

AID of the King is in like Case as it is said before of a Common Person, and in many other Cases where the King may have Aids, although the Tenant be Tenant in Fee-simple; he shall have Aid; as if a Rent be demanded against the King's Tenant who holds in Chief, he shall have Aid, and so he shall not of a Common Person.

And where a City or Borough hath a Fee-farm of the King, and any thing is demanded against them which belongs to the Fee-farm, they shall have Aid for it of the King.

Also a Man shall have Aid of the King in the stead of Voucher. And the King's Bailiff, the Collector and the Purveyor shall have Aid of the King, as well as the Officers of other Persons.

Aile.

AILE is a Writ which lies where Land descends from the Grandfather to his Nephews, or the Son or Daughter of the Son of the Grandfather, the Father being dead before the Entry by him, and one abates, the Heir shall have against the Abator this Writ.

fait An. 3. E. 1. ordain un restraint pur aucun grand ou large demand fait per common person, estant Seigniors, en c'est case, & ad lie eux a un certain rate. Et le Statute de 25 E. 3. Stat. 5. c. 11. provide, que le rate que est mise per le primer Stat. sera tenu en le Roy cybien come en auters Seigniors.

Aide de Roy.

Aide de Roy est en semblable case come est dit devant de common Person & auxy en plusieurs aut' cases lou le Roy puit aver perde, comment que le Tenant soit Tenant en fee-simple, il avera aide; come si un Rent soit demand vers Tenant le Roy qui tient en chief, il avera aide, & issint navera de aut' person.

Auxy lou un City ou Borough ad un Fee-farme del Roy, & aucun chose est demand vers eux que appartient al Fee-farme, ils averont aide pur ceo del Roy.

Auxy home avera aide de Roy en lieu de Voucher. Auxy le Bayliff, Collector & Purveyor del Roy averont aide del Roy, auxibien come les Officers de auters persons.

Aile.

AILE est un Brief que gist lou Terre descende de layel a son Nephews, viz. fitz ou file del fitz del ayel, le pier estant mort devant entry per luy, & un abate, le Heir avera vers le Abater cest Brief.

Aler sans jour.

A*ler sans jour* est, (verbatim) *ire sine die*, cestascavoir, destre dismis hors del court, pur ceo que nest ascun aut' jour del Appearance assigne.

Ale-taster.

A*le-Taster* est un Officer appoint & jure deins chescun Leet, de veier que le due Assise soit observe de tout le Pane, Ale & Cervoise vendus deins le Jurisdiction del Leet.

Alien.

A*lien* est un Subject nee hors del ligeance de nostre Roy. Et il ne poit aver ascun real ou personal Action concernant Terre, mes en chescun tiel Action le Ten' ou Defendant puit plede que il fuit nee en tiel pais que nest deins le ligeance del Roy, & demand Judgment, sil ferra respondu.

Chescun alien amie puit per le Common Ley aver & acquirer deins cest Realm, per done, chevilians, ou aut' loyal voyes, ascun treasure ou biens personal quecunq; cybien come ascun home Anglois, & puit maintain asc' Action pur ycel. Mes terres deins cest Realm ou Measons, si non solement pur lour habitation, alien amies ne poient aver ne acquirer; ne maintain asc' Action real ou personal pur ascun Terre ou Meason, sinon q; le Meason soit pur lour necessary habitation. Un alien enemy ne poit maintain ascun Action, ou acquire ascun chose deins cest Realm. Et les raisons pur que Aliens nee ne sont capable de inheritance deins *Angleterre*, sont;

Aler fans jour.

A*ler fans jour* is, (word for word) to go without Day, that is, to be dismiss the Court, because there is no Day of farther Appearance assigned.

Ale-Taster.

A*le-Taster* is an Officer appointed and sworn in every Leet, to look that the due Assise be kept of all the Bread, Ale and Beer sold within the Jurisdiction of the Leet.

Alien.

A*lien* is a Subject born out of the Liegeance of our King, and he cannot have any real or personal Action concerning Land; but in every such Action the Tenant or Defendant may plead that he was born in such a Place, which is not within the King's Liegeance, and demand Judgment if he shall be answered.

Every Alien friend may by the Common Law have and get within this Realm, by Gift, Trade, or other lawful Ways, any Treasure or personal Goods whatsoever, as well as any Englishman, and may maintain any Action for the same. But Land within this Realm or Houses (if not for their dwelling only) Aliens-friends cannot have nor get, nor maintain any Action real or personal for any Land or House, unless the House be for their necessary Dwelling. An Alien-enemy cannot maintain any Action, nor get any Thing within this Realm. And the Reasons why Aliens born are not capable of Inheritance within England, are;

1. The Secrets of the Realm may by this be discovered.

2. The Revenues of the Realm shall be taken and enjoyed by Strangers born.

3. This will tend to the Destruction of the Realm. First, in the Time of War, for then Strangers may fortifie themselves in the Heart of the Realm, and set in Combustion the Common-wealth. Secondly, in the Time of Peace, for by such Means many Aliens born may get a great Part of the Inheritance and Freehold of the Realm, by which there would ensue a want of Justice, the Supporter of the Common-wealth, for this that Aliens cannot be returned of Juries, nor sworn for the Trial of Issues between the King and Subject, or between Subject and Subject. Vide Coke lib. 7. Calvin's Case.

Alienation.

Alienation is as much to say as to make a Thing another Man's, or to alter or put the Possession of Lands or other Things from one Man to another. And in some Cases a Man hath Power in himself so to do, without the Assent or License of any other, and in some not. As if Tenant in Chief alien his Estate without the King's License, then by the Stat. of 1 Ed. 3. c. 12. a reasonable Fine shall be taken, where at the Common Law before the said Stat. the Lands and Tenements held in Chief of the King, and aliened without License, have been held forfeited. And if the King's Tenant that holds in Chief intended to alien unto C. to the Use of D. and hereupon if he purchase Licence

Primerment, Les secrets del Royalm poient per ceo estre conus.

Secondment, Les Revenues del Royalm ferront prise & enjoy per Estrangers nea.

Tiercement, Ceo voile tend al destruc^t del Royalm. Primerment en le temps de guerre, car donques estrangers poient fortifie eux mesmes en le ceur del Royalm, & combuster le Common-weale. Secundm^t, en le temps de peace, car per tiels means plusors Aliens nee poient acquerir un grand part del inheritance & franktenement del Royalm, per que la voile ensue un failer de Justice, le Supporter del Common-weale, pur ceo q; Aliens ne poient estre retourne de Juries, ne jure pur le trial de issues perent' le Roy & le Subject, ou perenter Subject & Subject. Vide Co. l. 7. Calvin's Case.

Alienation.

Alienation idem est quod alienum facere, ou de alter ou mitt' le possession de Terres ou autre chose de lun home a l'autre. Et en ascun cases. home ad poier en luy mesme issint a faire, sans lassent ou licence de ascun autre, & en ascun nemy. Come si Tenant en capite alien son estate sans conge le Roy, donque per le Stat. de 1 Ed. 3. cap. 12. un reasonable Fine serra prise; ou al Common Ley devant le dit Stat. les Terres & tenements tenus en chief del Roy, & alien sans congee, ont este tenus forfeit. Et si Tenant le Roy que teigne en capite intend de aliener al C. al use de D. & sur ceo si il purchase licence de

aliener al C. & accordant il alien a C al use de D quel use nest mention en le Licence; en cest case il payera forsque un Fine, car est forsque un Alienation, Co. lib. 6. f. 28 Mes si home voile aliene terres en fee simple a un Meason de Religion, ou a un Corps incorporate, covient a luy daver conge le Roy de faire cest Grant ou Alienation, & le chief Seignior de queux tiels Terres sont tenus, &c. autrement le terre issint alien en Mortmain serra forfeit per le Stat. de 15. R. 2. cap. 5.

Alimony.

A *Limony, Alimonis, Maintenance,* & en legal sense signifie un allowance pur que un feme covert sue sur separation del sa Baron.

Allay.

A *Llay* est le Temper ou Mixture de Or & Argent ove plus base Metal, per l'augmenter del pois de ceo, entant que poit countervail le charge del Roy en le coynage. Cest parol est use en le Statute 9 H. 6. cap. 11 pur le payment del Or Anglois per le pois le Roy.

Allegiance.

A *Llegiance* est tiel natural ou loyal Obedience que chescun Subject doit a son Prince.

Almoner.

A *Lmoner* est un Officer del Hostel le Roy, & son Office est pur dispenser les Alms le Roy chescun jour; & a cest purpose il ad le collect des tous Forfeitures de Deo-

to alien to C and accordingly aliens to C. to the Use of D. which Use is not mentioned in the Licence; in this Case he shall pay but one Fine, for it is but one Alienation. Coke lib. 6. f. 28. But if a Man will alien Lands in Fee-simple to an House of Religion, or to a Body incorporate, it behoves him to have the King's Licence to make this Grant or Alienation, and the chief Lord of whom such Lands are held, &c. otherwise the Land so alienated in Mortmain shall be forfeited by the Statute of 15 R. 2. cap. 5.

Alimony.

A *Limony, Alimonis, Maintenance,* and in a legal Sense signifies an Allowance for which a Woman sues upon Separation from her Husband.

Allay.

A *Llay* is the Temper or Mixture of Gold and Silver with baser Metal, for the increasing the Weight of it so much as might countervail the King's Charge in the Coining. This Word is used in the Statute of 9 H. 5. cap. 11. for the Payment of English Gold by the King's Weight.

Allegiance.

A *Llegiance* is such natural or legal Obedience which every Subject owes to his Prince.

Almoner.

A *Lmoner* is an Officer of the King's House, whose Office is to distribute the King's Alms every Day; and to that purpose he hath the collecting of all Forfeitures of Deodands, and

and of the Goods of Felons de se, which the King allows him to dispose in Alms to the Poor. And of his Office. See Fleta, lib. 2. cap. 22.

Almoin.

ALmoin. See Aumone.

Alnager.

ALnager is an Officer of the King's, who by himself, or by his Deputy, looks to the Assise of all Cloth made of Wool throughout the Land, and to put a Seal, for that purpose ordained unto them. 35 E. 3. Stat. 4. c. 1. An. 3 R. 2. c. 2. And he is to be accountable to the King for every Cloth that is so sealed, in a Fee or Custom appertaining to it.

Altarage.

ALTarage, in Latin Altaragium, signifies Duties and Offerings to Holy Altars mentioned 2 Cro. Rep. 516. that a Vicarage was endowed with it and small Tithes.

Ambidexter.

AMBidexter is he that, when a Matter is in suit between Men, takes Money of the one Side and of the other, either to labour the Suit, or such like; or if he be of the Jury, to give his Verdict.

Amendment.

AMendment is, when Error is in the Process, the Justices may amend it after Judgment. But if there be Error in giving Judgment, they may not amend it, but the Party is put to his Writ of Error. And

dands, & des biens des Felons de se, que le Roy luy allow pur dispose en Alms as poivers. Et de son Office, vide Fleta, l. 2. c. 22.

Almoin.

ALmoin. Veies Aumone.

Alnageor.

ALnageor est un Officer del Roy que per luy mesme ou person deputy, veye al Assise de tout le Pane que est fait de Laine per tout le Terre, & a mitter Signets pur tiel purpose ordeignes a eux. 35 E. 3. Stat. 4. c. 1. An 3 R. 2. c. 2. Et il est destre accomprable al Roy pur chescun Pane que est issint seale en un Fee ou Custome a ceo apperteignant.

Altarage.

ALTarage, en Latin Altaragium, signifie Duties & Offerings al saint Altars, mention 2 Cro. Rep. 516. que un Vicarage fuit endow ove ceo & petit disms.

Ambidexter.

AMBidexter est celuy que, quand un matter est en suit perenter homes, prist argent de lun part & del aut', ou pur labour le Suit, ou tiels semblables; ou sil soit del Jury, pur dire son Verdict.

Amendment.

AMendment est, quand Error est en le Process, les Justices poient ceo amend' apres Judgment. Mes si Error soit en Judgment done, ils ne poient amender ceo, mes le party est mis al Brief de Error. Et en
D 4 plusors

plusors Cases lou le default appiert en le Clerk que escria le Record, il ferra amend : mes tiels choses que vient per information del party, come le Ville, Mysterie, & *hujusmodi*, ne ferra amend, car il doit informer vray a son peril. Vid. 9 H. 5. c. 4. 4 H. 6. c. 3. 8 H. 6. c. 12, 15. 27 El. c. 5.

Amercement.

A *Mercement* pluis proprement est un Penalty assés per les peers ou pères del partie amercie, pur un offence fait ; come pur default de Suit de Court, ou pur non amend' de ascun chose que il fuit appoint de redresser devant, ou pur tiel semblable cause : en quel case le party que offend foy mist en le mercie del Roy ou Seignior, & sur ceo cel Penalty est appel *Amerciament*.

Et la est un difference perenter *Amerciaments* & *Fines*. *Kitch* 214. Car *Fines* sont punishments certain, que cresceront expresment de ascun Statute ; & *Amerciaments* sont tiels que sont arbitralement impose per les Affeerors, quel *Kitch* semble a confirmer fol. 78. en ceux parolx, *Amerciament est affeere per Pares*.

Auxy il appiert, *Coke lib. 8. f. 39.* que un *Fine* est tous foits impose & assésse per le Court ; mes *Amerciament* que est appel en Latin *Misericordia*, est assésse per Pays.

Auter diversity la est : come si home soit convict devant le Vicount en le County de un Recapron, il ferra forsque amercie ; mes si soit convict de ceo en le Common Bank

in many Cases where the Default appears in the Clerk that writ the Record, it shall be amended : but such things as come by Information of the Party, as the Town, Mystery, and such like, shall not be amended, for he must inform true upon his Peril. See 9 H. 5. c. 4. 4 H. 6. c. 3. 8 H. 6. c. 12, 15. 27 El. c. 5.

Amercement.

A *Mercement* most properly is a Penalty assessed by the Peers or Equals of the Party amerced, for an Offence done ; as for want of Suit of Court, or for not amending something that he was appointed to redress by a certain Time before, or for such like Cause ; in which Case the Party who offends puts himself in the Mercy of the King or Lord, and thereupon this Penalty is called *Amerciament*.

And there is a Difference between *Amerciaments* and *Fines*. *Kitch* 214. For *Fines* are Punishments certain, which grow expressly from some Statute ; and *Amerciaments* are such which are arbitrarily imposed by the Affeerors, which *Kitchin* seems to confirm fol. 78. in these Words, The *Amerciament* is assessed by Equals.

Also it appears, *Coke lib. 8. fol. 39.* That a *Fine* is always imposed and assessed by the Court, but *Amerciament*, which is called in Latin *Misericordia*, is assessed by the Country.

Another Diversity there is : as if a Man be convict before the Sheriff of the County of a Recaption, he shall be only amerced ; but if he be convict of this in the Common Bench, he shall be

be fined. And the Reason of this Diversity is, That the County Court is not a Court of Record, and therefore cannot impose a Fine; for no Court can impose a Fine, but such a Court as is of Record. Coke lib. 8. fol. 41. a. If the Defendant or Tenant plead a false Deed to him, or deny his own Deed, and this is found against him, or he, leaving his own Verification, acknowledges the Action; he shall be fined for his Falsity, because we ought to be sure of our own Acts. But if one deny the Deed of his Ancestor, and this is found against him, yet he shall not be fined, but amerced only, because it was the Act of a Stranger. Cok. lib. 8. fol. 60. a. see more there.

Amercement royal.

A Mercement royal is, when a Sheriff, Coroner, or other such Officer of the King, is amerced by the Justices for his Abuse in the Office. Learn if it should not be called a Fine.

Amortization.

A Mortization (in French Amortissement) is an Alienation of Lands or Tenements in Mortmain (that is to say, to any Corporation, or Fraternity, and their Successors) which nevertheless cannot be done without Leave of the King. The Right of Amortization is a Privilege or Licence of taking in Mortmain. In the Statute De libertatibus perquirendis, 27 E. 1. the Word Amortissement is used. See Mortmain.

Amoveas manus.

A Moveas manus. See Ouster le mayn.

il serra fine. Et le reason de cest diversity est, Que le County-Court n'est pas Court de Record, & pur ceo ne poit imposer un Fine, car nul Court poit imposer un Fine, mes tiel Court que est de Record. Coke lib. 8. fol. 41. a. Si le Defendant or Tenant plead un faux Fait a luy, ou deny son fait demesme. & ceo est trove vers luy, ou sil relictta verificatoone cognosceit Actionem; il serra fine pur fauxism, Quia certi debemus esse de proprio facto. Mes si un deny le Fait son Ancestor, & ceo est trove vers luy, uncore il ne serra fine, mes amercie seulement, Quia de alieno facto. Co. lib. 8. fo. 60. a. Vide plus la.

Amercement royal.

A Mercement royal est, quand un Vicount, Coroner, ou autre tiel Officer del Roy, est amercy per les Justices pur son misdemeanor en le Office. Quare si ne serra dit Fine.

Amortization.

A Mortization (en Fr. Amortissement) est prædiorum Translatio in manum mortuam (c'est a dire a ascun Corporation ou Fraternite, & leur Successeurs.) quod tamen sine venia Principis non fiat. Jus amortizationis est privilegium seu licentia capiendi in manum mortuam. En le Statute De libertatibus perquirendis, 27 E. 1. le parol Amortissement est use. Veies Mortmain.

Amoveas manus.

A Moveas manus. Veies Ouster le mayn.

An.

An, jour, & waste.

AN, jour, & waste, est un Forfeiture quand un home ad fait petit Treason ou Felony, & ad Terres queux il tient de aucun commun person, queux seront seisi pur le Roy, & remain en ses maines per la space de un an & un jour prochein apres le Attainder; & donques les Arbres seront defosse, les Measons rases, & le Pastures & Prees ayres & plowed; si non que il a que le Terre devenera per leschete ou forfeiture, ne ceo redeeme del Roy. Un chose le plus de greuver le Offendors, & terrifie auters de cader en autiel, en demonstrent comment le Ley detest leur Offence cy avant, issint que il execute Judgment & punishment sur leur mute & mort chosez.

Ancestor.

ANcestor (*Antecessor*) est un parol dont la Signification est bien conus; & la Ley fait cest Difference perenter ceo & Predecessor, que Ancestor est applique a un persone natural, come J. S. & ses Ancestors, l'auter a un Corps politique ou Corporation, come l'Evesque & ses Predecessors. Co. Litt. lib. 2. cap. 4. Sect. 103. Mes le Parol Ancestor, dans le forensic sens ne fuit properment apply al Ancestor d'un famille, mes ou al Predecessor d'un Estate, ou al Predecessor en un Office.

Ancestrel.

ANcestrel, come Homage Ancestrel, i. e. Homage que ad este fait ou performe

An, jour, & waste.

AN, jour, & waste, is a Forfeiture when a Man hath committed petit Treason or Felony, and hath Lands holden of some common Person, which shall be seized for the King, and remain in his hands by the Space of one Year and a Day next after the Attainder; and then the Trees shall be pulled up, the Houses razed and pulled down, and the Pastures and Meadows eyed and plowed up; unless he to whom the Lands should come by Escheat or Forfeiture redeem it of the King. A thing the more to grieve the Offenders, and terrifie others to fall into the like, in shewing how the Law doth detest the Offence so far forth, as that it doth execute Judgment and Punishment even upon their dumb and dead things.

Ancestor.

ANcestor (*Antecessor*) is a Word whose Signification is well known; and the Law makes this Difference between that and Predecessor; that Ancestor is applied to a natural Person, as J. S. and his Ancestors; the other to a Body politick or Corporation, as the Bishop and his Predecessors, Co. Litt. lib. 2. c. 4. Sect. 103. The Word Ancestor in the forensic Sense was not properly applied to the Ancestor of a Family; but either to the Predecessor of an Estate, or the Predecessor in an Office.

Ancestrel.

ANcestrel, as Homage Ancestrel, that is, Homage that hath be done or performed by the

the Ancestors of any Person.
See Homage.

Ancient demesne.

ANcient demesne or demayn is, a certain Tenure whereby all Barons belonging to the Crown in the Days of William the Conqueror, were held.

Aniente

ANiente comes from the French *Aneanter*, that is, annihilare; for Aniente in our Law-language signifies as much as frustrated or made void, and is used by Littleton in his 741 Section.

Annates.

ANnates is a Word used in the Statute of 25 H. 8. cap. 20. and seems to be all one with First-fruits: For so Pol. Virgil. de Inventione rerum, lib. 8. cap. 2. says, That Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annatas (more suo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.

Annua pensione.

ANnua pensione is a Writ by which the King having due unto him an annual Pension from any Abbot or Prior for any of his Chaplains which he will name, who is not provided of a competent Living, demands it of the said Abbot or Prior for one that is named in the same Writ, until, &c. and also commands him, for the better Certainty of his Chaplain, to give his Letters Patents to him for the same. See Fitz. Nat. Brev. fol. 231. where you may also see the Names of all the Abbies and

per les Ancestors de aucun home. Veies Homage.

Ancient demesne.

ANcient demesne ou demayn est un certain Tenure, per que tous Manors pertaignont al Corone en les temps de William le Conqueror, fueront tenus.

Aniente.

ANiente venust del Francois *Aneantir*, (id est) annihilare; car Aniente en nostre Ley signifie tant come frustrare ou defeat, & est use per Littleton, Sect. 741.

Annates.

ANnates est un parol use en le Stat. 25 Hen. 8. cap. 20. & semble destre tout un ove *Primitia*: car issint Pol. Virgil. de Inventione rerum, lib. 8. cap. 2. dit. *Quod Annatarum usus multo antiquior est quam recentiores quidam scriptores suspicantur, & Annates (more suo) appellant primos fructus unius anni Sacerdotii vacantis, aut dimidiam eorum partem.*

Annua pensione.

ANnua pensio est un Brief per que le Roy, aiant due a luy un annual Pension de aucun Abbot ou Prior pur aucun de ses Chapleins que il voile nosmer, que n'est provide dun competent Benefice, ceo demand del dit Abbot ou prior pur un que est nosme en mesme le Brief, jesque, &c. & auxy luy command, pur le mieux assurance de son Chapleyn, a doner ses Letters Patents a luy pur ycel. Vide Fitz. Nat. Brev. fol. 231. ou poyes auxy veyer les nosmes de touts les Abbeys & Pri-

Priorities que fueront lie a ceo en respect de leur foundation ou creation, & auxy pur le forme des Letters Patents usualment grant sur tiel Brief.

Priorities which were bound to this in respect of their Foundation or Creation, and also for the Form of the Letters Patents usually granted upon such a Writ.

Annuities.

A Nnuity est un certain Sum de money grant a un autre en Fee-simple, Fee-tail, pur term de vie, ou pur term de ans, a receiver del Grantor, ou ses Heirs, issint que nul Franktenement est charge de ceo, de que home navera unques Assise ou autre Action, forsque Brief de Annuity; & nest aucun Assets al Heire le Grantee, a que il descendera.

La sont plusors differences perenter Annuities & Rents: Car chescun Rent est issuant hors de Terre, mes un Annuity nest, mes chargera le person, cestascavoir, le Grantor ou ses Heirs, que ont Assets per descent, sinon que special proviso soit al contrary: come *Lit. Sect. 220.*

Auxy pur un Annuity nul Action gift, forsque solement un Brief de Annuity vers le Grantor, ses Heirs ou Successors: & cest Brief de Annuity ne unques gift vers le pernor des profits, mes solement vers le Grantor ou ses Heirs; lou pur un Rent mesme les Actions gisent envers le Tenant del Terre, & aucun foits envers celui que est pernor del Rent, cestascavoir, vers luy que prist le Rent forciously. Auxy un Annuity nest desre prise pur Assets, pur ceo que nest aucun Franktenement

Annuity.

A Nnuity is a certain Sum of Money granted to another in Fee-simple, Fee-tail, for Term of Life, or for Term of Years, to receive of the Grantor, or his Heirs, so that no Free-hold is charged therewith; whereof a Man shall never have Assise nor other Action, but a writ of Annuity; and it is no Assets to the Heir of the Grantee, to whom it shall descend.

There are many Differences between Annuities and Rents: For every Rent is issuing out of Land, but an Annuity is not, but charges the Person, that is, the Grantor or his Heirs, which have Assets by Descent, if some special Proviso be not to the contrary: as *Lit. Sect. 220.*

Also for an Annuity no Action lies, but only a Writ of Annuity against the Grantor, his Heirs or Successors: and this Writ of Annuity never lies against the Taker of the Profits, but only against the Grantor, or his Heirs. Whereas as for a Rent the same Actions lie against the Tenant of the Land, and sometimes against him that is Taker of the Rent, that is, against him that takes the Rent wrongfully. Also an Annuity is not to be taken for Assets, because it is not any Free-hold in Law. And it shall

shall not be put in Execution upon a Statute-Merchant, or Statute-Staple, or Elegit, as a Rent may. Doct. & Stud. cap. 30. See Dyer fol. 345. pla. 2. Also an Annuity cannot be severed, Co. l. 8. fol. 52. b. according to the Verse there,

en Ley. Et ne ferra mis in Execution sur un Stat. Merchant, Stat. Staple ou Elegit, sicome un Rent puit. Doct & Stud. cap. 30. Vide Dyer fol. 345. pla. 2. Auxy un Annuity ne poit estre sever, Co. l. 8. f. 52. b. accordant al Metre la,

Let no Judge himself endeavour Annuities or Debts to sever.

*Annale aut debitum
Judex nec separet ipse.*

Anoyfance.

A Noyfance is a Word used in the Statute of 22 Hen. 8. cap. 5. and signifies no more than Nufance; and therfore see Title Nufance.

Anoyfance.

A Noyfance est un parol use en le Statute 22 Hen. 8. cap. 5. & signifie nient plus que Nufance, & pur ceo vide Tit. Nufance.

Apostata capiendo.

A Postata capiendo is a Writ directed to the Sheriff, for the taking of the Body of one who, having entred into, and professed some Order of Religion, leaves his said Order, and departs from his House, and wanders in the Country: And upon a Certificate of this Matter made by the Sovereign of the House in the Chancery, and the praying of the said Writ, he shall have it directed to the Sheriff for the apprehending of him, and Redelivery of him to the said Sovereign of the House, or his lawful Attorney. See the Form of it in Fitz. Nat. Brev. 233. C.

Apostata capiendo.

A Postata capiendo est un Brief direct al Viscount, pur le pendre del corps dun que aiant ent' & professe ascun Order de Religion, relinquit le dit Order, & wave son Meason, & est Vagrant en le pais: & sur un Certificate de ceo matter per le Sovereign del dit Meason de Religion fait en le Chancery, & le prier del dit Brief, il avera ceo direct al Viscount pur le apprehender de luy, & redeliver al dit Sovereign del Mease ou son loyal Attorney. Vid. le form del Brief en Fitz. Nat. Brev. 233. C.

Appeal.

A Ppeal is where one hath done a Murther, Robbery, or Mayhem, then the Wife of him that is slain shall have an Action of Appeal against the Murtherer; but if he have no Wife, then his

Appeal.

A Ppeal est lou un ad fait Murder, Robbery, ou Mayhem, donques le feme cestuy que est tue avera un Action de Appeal vers le Murderer; mes sil nad feme, adonques son pro-

prochein Heir male avera le Appeal a ascun temps deins l'an & jour apres le fact.

Auxy cestuy que est issint rob' ou maimed avera son Appeal: Et si le Defendant soit acquite, il recouvrera damages vers le Appellour & l' Abettors, & ils averont imprisonment dun an, & ferra fin al Roy. Appeal de Maihem nest en manner forsque Action de Trespafs, car il ne recouvrera forsque damages.

Appeals sont commence deux voyes, ou per Brief, ou per Bill. Per *Brief*, quand un Briet est purchase hors del Chancery per un home vers aut', luy commandant que il appellera un tierce home dascun Felony ou auter offence per luy commit, & a trover pledges que il ceo ferra ove effect; & cest Brief est d'estre deliver al Vicount d'estre record.

Appeal per Bill est, quand un home de luy mesme done son accusation dauter home en escript al Vicount ou Coroner, & prist sur luy le burden de appealing cestuy que est nosme en le dit escript. *Appellant* est le Plaintiff en Appeal.

Si un Peer soit indi&t pur Murder il ferra try per ses Peers: Mes si un Appeal soit port vers luy al suit del Party, il ne ferra try per ses Peers, mes per un Jury de 12 Homes. Veies *Mag. Chart. fol. 49. Stat. Glouc. 317. 3 H. 7. cap. 1.*

En Appeal al Suit del Party le Pardon del Roy ne dischargera le Prisoner come sur Indictment al Suit del Roy. *West. 2. cap. 24.*

next Heir-male shall have the Appeal at any Time within a Year and a Day after the Deed.

Also he that is so robbed or maimed shall have his Appeal: and if the Defendant be acquitted, he shall recover Damages against the Appeler and the Abettors, and they shall have the imprisonment of a Year, and shall make a Fine to the King. An Appeal of Maihem is in Manner but a Trespafs, for he shall only recover Damages.

Appeals are commenced two Ways, either by Writ or by Bill. By Writ, when a Writ is purchased out of the Chancery by one Man against another, commanding him that he shall appeal a third Man of some Felony or other Offence by him committed, and to find Pledges that he shall do it with Effect; and this Writ is to be delivered to the Sheriff to be recorded.

Appeal by Bill is, when a Man, of himself gives his Accusation of another Man in writing to the Sheriff or Coroner, and takes upon himself the Burthen of appealing him that is named in the said Writing. Appellant is the Plaintiff in the Appeal.

If a Peer be indicted for Murder, he shall be tried by his Peers: But if an Appeal be brought against him at the Suit of the Party, he shall not be tried by his Peers, but by a Jury of 12 Men. See *Magna Chart. fol. 49. Stat. Glouc. 317. 3 Hen. 7. cap. 1.*

In an Appeal at the Suit of the Party, the King's Pardon doth not discharge the Prisoner as upon an Indictment at the the Suit of the King. *West. 2. cap. 24.*

Appendant and Appurtenant.

Appendant & Appurtenant are Things that by Time of Prescription have belonged, appertained, and are joined to another principal Thing, by which they pass and go as Accessary to the same principal Thing, by Virtue of these Words, *Pertinentiis*, as Lands, Advowsons, Commons, Piscaries, Ways, Courts, and others such like, to a Manor, House, Office, or such others.

Apportionment.

Apportionment is a dividing into Parts a Rent which is dividable, and not entire or whole; and forasmuch as the Thing out of which it was to be paid is separated and divided, the Rent also shall be divided, having Respect to the Parts. As if a Man have a Rent-Service issuing out of Land, and he purchases Parcel of the Land, the Rent shall be apportioned according to the Value of the Land.

So if a Man hold his Land of another by Homage, Fealty, Escuage, and certain Rent, if the Lord of whom the Land is holden purchase Parcel of the Land, the Rent shall be apportioned.

And if a Man let Lands for Years, reserving Rent, and after a Stranger recover Part of the Land, then the Rent shall be apportioned, that is, divided, and the Lessee shall pay, having Respect to that which is recovered, and to that which yet remains in his Hands, according to the Value.

But a Rent-charge cannot be apportioned, nor Things that are entire: As if one hold Land

Appendant & Appurtenant.

Appendant & Appurtenant sont choses que per temps de prescription ont belong, appertain, & sont joyn al un aut' principal chose, ove que ils passent & va come accessarie al mesme principal chose, per virtue de ceux patols, *Pertinentiis*, come Terres, Advowsons, Commons, Piscaries, Chimins, Courts, & divers tiels semblables, al un Manor, Meason, Office, ou tiels auters.

Apportionment.

Apportionment est un dividing en Parts un Rent le quel est dividable, & nient entire ou whole; & entant que le chose hors de quel il fuic destre pay est separate & divide, le Rent auxy serra divide, aiant respect a les parts. Si come un home ad un Rent-Service issuant hors de Terres, & il purchase parcel de le Terre, le Rent serra apportion accordant al value del Terre.

Issint si home tient son Terre d'un aut' per Homage, Fealty, Escuage, & certain Rent, si le Seignior de que le Terre est tenus purchase parcel del Terre, le Rent serra apportion.

Item si home lessa terres pur ans, reservant Rent, & apres un estrange recover part de le terre, donques le Rent serra apportion. c'est a dire, divide, & le Lessee paiera, aiant respect a ceo que est recover, & a ceo que ore remain en ses maines, accordant al value.

Mes un Rent-charge ne poit estre apportion, ne choses que sont entire: Sicome un tient Terres

Terres per Service de payer a son Seign' annuellement a tiel Feast, un Chival, Esperver, un Rose, un Cherry, ou tiels semblables; la si le Seign' purchase parcel de la terre, cest Service est tout ale, pur ceo que un Chival, Esperver, Rose, ou un Cherry, & tielx auters, ne poyent estre divide' ou apportion, sans damage al entierty.

En ascun cases Rent-charge serra apportion: Come si home ad Rent-charge issuant hors del terre, & son pere purchase parcel de les Terres charges en fee, & morust, & cel parcel discend a son fits que ad le Rent-charge; ore cel charge serra apportion solongue le value de la terre, pur ceo que tiel portion de la terre purchase per le pere ne vient al fits per son fait demesne, mes per discent, & per course de Ley.

Common appendant est de common droit & severable; & coment que le Commoner en tiel case purchase parcel del terre en que le Common est appendant, uncore le Common serra apportion: Mes en tiel case Common appurtenant & nemy appendant per purchase est extinct. Co. lib. 8. f. 79.

Appropriations.

Appropriations fuer quand ceux Measons de Religion, & ceux religious Persons, come Abbots, Priors, & tiels semblables, avoient le Advowson de ascun Parsonage al eux & a lour Successors, & obtain licence de le Pape, Ordinary, & Roy, que ils mesmes & lour Successors de ceo en avant doient estre Parsons la,

by Service to pay to his Lord yearly at such a Feast an Horse, an Hawk, a Rose, a Cherry, or such like; there if the Lord purchase parcel of the Land, this Service is gone absolutely, because an Horse, a Rose, a Cherry, or such other, cannot be divided or apportioned, without Damage to the whole.

In some Cases Rent-charge shall be apportioned: As if a Man have a Rent-charge issuing out of Land, and his Father purchases Parcel of the Lands charged in fee, and dies, and this Parcel descends to his Son who hath the Rent-charge; there this Charge shall be apportioned according to the Value of the Land, because such Portion of the Land purchased by the Father, comes not to the Son by his own Act, but by descent and Course of Law.

Common Appendant is of Common Right and severable; and although the Commoner in such Case purchase Parcel of the Land wherein the Common is appendant, yet the Common shall be apportioned: But in this Case Common Appurtenant and not Appendant by such Purchase is extinct. Coke lib. 8. f. 79.

Appropriations.

Appropriations were when those Houses of Religion, and those Religious Persons, as Abbots, Priors, and such like, had the Advowson of any Parsonage to them and their Successors, and obtained Licence of the Pope, Ordinary, and King, that they themselves and their Successors from thenceforth should be Parsons there, and

and that it should be from thenceforth a Vicarage, and the Vicar should serve the Cure. And so at the beginning Appropriations were made only to those Persons Spiritual that could administer the Sacraments and say Divine Service, as Abbots, Priors, Deans, and such like. After by little and little they were enlarged and made to others, as namely to a Dean and Chapter, which is a Body corporate, consisting of many, which Body together could not say Divine Service; and (which was more) to Nuns that were Prioresse of some Nunnery, which was a wicked Thing, in Regard that they could neither administer Sacraments, nor preach, nor say Divine Service to the Parishioners.

And all this was upon pretence of Hospitality and maintenance thereof. And to supply these Defects a Vicar was devised, who should be Deputy to the Priors, or to the Dean and Chapter, and also at the last to the said Abbots, and others, to say Divine Service, and should have for his Labour but a little Portion, and they to whom the Appropriations were made should retain the greater Revenues; and they did nothing for it, by Means whereof Hospitality decayed in the Place where it ought to have been chiefly maintained, namely, in the Parish where the Benefice was, and where the Profits grew: And so it continues to this Day, if not worse, since not only Priests and Nuns, but Laymen and secular Women are possessed of them, to the great Hindrance of Learning, Impoverishment of the Ministry, and Infamy

& il serra en avant un Vicarage, & que le Vicar servera le Cure. Et issint al commencement Appropriations fueront faits seulement a ceux persons Spirituels que puissent minister les Sacraments, & dire divine Service, come Abbés, Priors; Deans, & tiels semblables. Apres par petit & petit ils fueront enlarge & fait al auters, come nosmement al Dean & Chapter, quel est Corps corporate, consistant de plusieurs, quel Corps ensemble ne puissent dire divine Service; &, que plus fuit, al Nuns que fueront Prioresse de ascun Nunnery, quel fuit chose horrible, entant que ils ne puissent minister Sacraments ne preach, ne dire divine Service al Parochians.

Et tout ceo fuit sur pretence de Hospitality & maintenance de ycel. Et de supplier ces defects, un Vicar fuit devise, quel serroit Deputy al Priors, ou Dean & Chapter, & auxy al darrein al dit Abbés, & auters, a dire divine Service, & il auroit pur son labour forsque petit portion, & ils a quel le Appropriations fueront fait reteigneront le grand Revenues; & ils fesoient riens pur ceo, par means de quel Hospitality decay en le lieu ou il doit estre chiefment gard, nosmement en le Parish ou le Benefice fuit, & ou les profits cressoient: Et issint il continue tanque a cest jour, si non pejus, veu que non seulement les Freres & les Nuns, mais les Laïques tant homes que femes en ont la possession al grand hinderance del Erudition, al impoverishment de le Ministry,

stery, & le infamy de la Gospel & les Professors de ycel.

Le Vicar avera un certain portion del Benefice, & le Abbe & le Covent serront Parsons, & averont les auters profits. Cest appelle un *Appropriation*, & donques le Abbe, & le Covent serront Parsons imparsones: Mes tiel *Appropriation* ne poit estre fait a commencer en le vie le Parson, sans sont assent.

Et apres l'Eglise fuit appropriate, donques fuit ceo un incident inseparable al Meason de Religion a que ceo fuit issint appropriate. Et pur ceo ou les Terres de Templars en *Angleterre* fueront done per les general parols d'un Act de Parliament de 17 E. 2 al Hospitallers, fuit adjudge, Que les Hospitallers per le dit Act naveront l'*Appropriation*, car ceo fuit inseparablement annex al Corporation des Templars: Quel chose consistant en inseparable privy per general parols d'un Act de Parliament ne serra transferre al auters. *Coke l. 7. fol. 13. a.*

Mes si tiel Advowson del Parsonage soit recover per ancient title, donques l'*Appropriation* est adnullie. Et est appelle *Appropriation*, pur ceo que ils teigne les profits a leur proper Use.

Approvement.

Approvement est, lou un home ad Common en le waste terre de Seignior, & le Seignior enclose part del waste terre pur luy mesme, relinquant nient obstant sufficient Common, ove egress & regress, pur les Commo-

of the Gospel and Professors thereof.

The Vicar shall have a certain Portion of the Benefice, and the Abbot and the Covent shall be Parsons, and shall have the other Profits. This is called *Appropriation*, and then the Abbot and Covent shall be Parsons emparsones: But such *Appropriation* may not be made to begin in the Life of the Parson, without his Assent.

And after the Church was appropriated, then was it an Incident inseparable to the House of Religion to which it was so appropriated. And therefore where the Lands of the Templars in England were given by the general Words of an Act of Parliament of 17 E. 2. to the Hospitallers, it was adjudged, That the Hospitallers by the said Act should not have the *Appropriation*, for it was inseparably annexed to the Corporation of the Templars: which Thing consisting in an inseparable Privy, by the general Words of an Act of Parliament, shall not be transferred to others. *Coke lib. 7. fol. 13. a.*

But if such Advowsons of the Parsonage be recovered by ancient Title, then the *Appropriation* is annulled. And it is called *Appropriation*, for that they hold the Profits to their own proper Use.

Approvement.

Approvement is, where a Man hath Common in the Lord's waste Ground, and the Lord incloses part of the Waste for himself leaving nevertheless sufficient Common, with egress and regress, for the Commons
ers.

ers. This inclosing is called Approvement. See Reg. Jud. fol. 8, 9.

ners. Cest Incosure est appel Approvement. Vide le Reg. Jud. fol. 8, 9.

Approver.

Approver.

An Approver or Appellor is he who hath committed some Felony, which he confesses, and now appeals or approbes, that is, accuses others who were Coadjutors or Helpers with him in doing the same or other Felonies, which Thing he will approve. And this Proof is to be either by Battle, or by the Country, at his Election that appealed. This Accusation is often done before the Coroner, who either is assigned to the Felon by the Court to take and record that which he saith; or is called by the Felon himself, and required, for the good of the Prince and Commonwealth, to record that which he shall say. The Oath of the Approver when he begins the Combate, is also the Proclamation by the Heralds, appear in Crompt. pag. ult.

An Approver or Appellor est ceuy que ad fait ascun Felony, le quel il confesse, & a ore appel ou approve, c'est a dire, accuse auters que fueront Coadjutors ou Ay-dors ove luy en fesant de ceo ou aut' Felonies, le quel chose il voile approver. Et cest proof est d'estre ou per Battail, ou per le Pais, a son election que approve. Cest accusation est plusors foits fait devant le Coroner, que ou est assigne al felon per le Court a prendre & recorder ceo que il dit; ou est appel per le Felon luy mesme, & require pur le bone del Prince & Publiqueweale a recorder ceo que il dira. Le Serement del Approver quand il commence le combat, come auxy le proclamation per les Heralds, appearont en Crompt. pag. ult.

If a Man of good Fame be appealed by an Approver, by which he is taken and kept in Prison, yet he may have a Writ to be directed to the Sheriff, commanding him to suffer the Party appealed to be bailed by good Mainpernors. But if a Man appealed by an Approver be kept in Prison, and afterwards the Approver dies, there he may sue a Writ directed to the Sheriff, to suffer him to be bailed upon good Surety, if he be not a notorious Felon, although he be not of good Fame. Fitz. Nat. Brev. 250. d.

Si home que est de bone fame soit appeal per un Approver, per que il est prise & deteign en prison, uncore il poit aver un Brief d'estre direct al Vicount luy commandant a permettre le Party appeal de estre bail per bone Mainpernors. Mes si home appeal per un Approver soit deteign en Prison, & apres le Approver devie, la il puit sue un Brief direct al Vicount a permettre luy de aler a mainprise sur bone Surety, sil ne soit notorious Felon, coment que il ne soit de bone fame. Fitz. Nat. Brev. 250. d.

Approvers le Roy.

Approvers le Roy sont ceux que ont le demiser des Demeans le Roy deins petits Manors le Roy pur le plus availle le Roy. Et des tiels Approvers poies veier en le Stat. 2 E. 3. c. 12. que fueront homes mises en divers Counties pur encrease les Farmes des Hundreds & Wapentakes. Et est a veier en le Stat. 1 E. 3. c. 8. que les Viscounts appel eux mesmes les *Approvers le Roy*.

Arbitrement.

Arbitrement est un Award, Determination ou Judgment, quel un ou plusieurs font al request de deux parties al meines, pur & sur ascun Det, Trespas, ou auter Controverſie ewe perenter eux. Et c'est appel en Latin *Arbitratus*, & *Arbitrium*; & ils que font le Award ou Arbitrement sont appel *Arbitri*, en Anglois *Arbitrators*.

A chescun Arbitrement cinque choses sont incident; *ſc.* Matter de Controverſie, Submission, Parties al Submission, Arbitrators, & render ſuis del Arbitrement. *Dyer 217. pl 60.* Si l' Arbitrement ſoit fait, que lun partie alera quit de tous Actions que lauter ad vers luy, & riens est dit des Actions que il ad vers lauter; cest Arbitrement est void, pur ceo que fuit fait de lun part, & nemy de lauter. *7 H. 6. c. 40.*

Quand un Submission a un Arbitrement est general de tous Actions, &c. & le Arbitrat' fait un Award ſolement de un, uncore ceo bien poit

The King's Approvers.

The King's Approvers are those that have the letting of the King's Demeans in small Manors for the King's greater Advantage. And of such Approvers you may read in the Stat. 2 E. 3. c. 12. that they were sent into divers Counties to increase the Farms of Hundreds and Wapentakes. And you may see in the Statute made in 1 E. 3. c. 8. that the Sheriffs call themselves the King's Approvers.

Arbitrement.

Arbitrement is an Award, Determination, or Judgment, which one or more makes at the request of two Parties at the least, for and upon some Debt, Trespas, or other Controversie had between them. And this is called in Latin *Arbitratus*, and *Arbitrium*; and they that make the Award or Arbitrement are called *Arbitri*, in English *Arbitrators*.

To every Arbitrement five Things are incident; *ſc.* Matter of Controversie, Submission, Parties to the Submission, Arbitrators, and giving up of the Arbitrement. *Dyer 217. pl. 60.* If the Arbitrement be made, that the one Party shall go quit of all Actions which the other hath against him, and nothing is said of the Actions which he hath against the other; this Arbitrement is void, because it was made of the one Part, and not of the other. *7 H. 6. cap. 40.*

When a Submission to an Arbitrement is general of all Actions, &c. and the Arbitrator makes an Award only of one; yet this may well stand with

the generality of the Words, that there was but one Cause depending between them; so, A Generality implies no Certainty. And if the Arbitrement should be so, this avoided, then many Arbitrements might be avoided; so, the one might conceal a Trespass done, or other Cause of Action given him, and so avoid the Arbitrement. Also no Party to any Arbitrement shall be by it bound, unless the Award be delivered unto him, as it is in Co. l. 5. f. 103. See Co. l. 8. f. 98.

Arches.

ARches (or the Court of the Arches) is the chief and most ancient Consistory belonging unto the Archbishop of Canterbury, and it is called from the Arches of the Church where the Court is kept, namely, Bow-Church in London. And of this Court mention is made in Stat. 24 Hen 8. cap. 12. touching Appeals.

Arms.

ARms, in the understanding of the Law, is extended to any thing that a Man, in his Anger or Fury, takes into his Hand to cast at, or strike another. Crompt. Justice of Peace, 65. a.

Array.

ARray is the taking or ordering a Jury or Inquest of Men that are impanelled upon any Cause, 18 H. 6. c. 14. from whence comes the Verb, to array a Panel. Old Nat. Brev. f. 157. that is, to set forth one by another the Men that are impanelled. The Array shall be quashed, ibid. By Statute eve-

estoyer ove le generality des parols que la ne fuit forsque un Cause dependant perenter eux; car, *Generale nihil certi implicat*. Et si le Arbitrement seroit pur ceo avoid, donques plusors Arbitrements poient estre void; car lun poit conceal un Trespass fait, ou autre cause de Action done a luy, & issint avoid l' Arbitrement. Auxy nul party al ascun Arbitrement serra per ceo lye, si non que le Agard soit a luy deliver, come est Cok. l. 5. f. 103. Vide Coke l. 8. f. 98.

Arches.

ARches (*sive Curia de Arcubus*) est le principal & plus ancien Consistory que appartient al Archevesque de Cant. & est appel de les Arches del Esglise lou le dit Court est tenu, viz. *Ecclesia B. Marie de Arcub. en Londres*. Et de cest Court mention est fait en Stat. 24 H. 8. c. 12. touchant Appeals.

Arms.

ARmes, en le intelligence del Ley, est extend a tous choses que un home, en son ire ou furie, prend en sa main pur jetter ou ferier un autre. Crompt. Just. P. f. 65. a.

Array.

ARray est le disposing ou ordering de Jury ou Enquest de homes que sont impanel sur ascun Cause, 18 H. 6. c. 14. de que vient le verb, *al arrayer un Panel*. Vet. N. B. f. 157. cest a dire, mitter hors un per autre les homes que sont impanel. Le Array serra quash, ib. Per Statute chescun Array

Un Assise devoit d'estre fait quater jours devant. *Brook tit. Panel num. 10.* A challenger le Array, *Kitch. 92.*

Arrain.

Arrain est a mitter un chose en order ou en son lieu: Sicome il est dit arrain un Brief de *Novel Disseisin* en un County en que il devoit estre port pur trial devant les Justices de cel Circuit. *Vet N. B. f. 109.* Et en tiel sensé *Litt. ad use* mesme le parol, le Lessee arraigns un Assise de *Novel Disseisin*. Auxy un prisoner est dit estre arraigner, quand il est indict & mis a son trial.

Arrerages.

Arrerages sont Duties arere nient pay apres le jours & temps en que ils fueront dues, & doyent aver estre payes, soyent ils Rents de Manor, ou ascun auter chose reserve.

Arrest.

Arrest est quand un est pris & restrain a son liberty. Nul ferra arrest pur Det, Trespas, Detinue, ou auter cause de Action, mes per vertue d'un Precept ou Commandement hors de ascun Court. Mes pur Treason, Felonie, ou enfriender del Peace, chescun home ad auctoritie de arrester sans Garrant ou Precept. Et lou un ferra arrest pur Felonie, il covient, que ascun Felonie soit fait, & que il soit suspect de mesme le Felonie; ou autrement il poir aver envers luy que issint luy arrest un Brief de faux Imprisonment. Et quand ascun home est arrest pur Felonie, il ferra amesne a

ry Array in Assise ought to be made four Days before. *Brook tit. Panel num. 10.* To challenge an Array. *Kitch. 92.*

Arrain.

Arrain is to put a Thing in order or in his Place: As one is said to arrain an Assise of Novel Disseisin in the County in which it ought to be brought for trial before the Justices of the Circuit. *Old. N. B. fol. 109.* And in such Sense *Litt. hath* used the same Word, The Lessee arrains an Assise of Novel Disseisin. Also a Prisoner is said to be arraigned, when he is indicted and put to his Trial.

Arrearages.

Arrearages are Duties behind unpaid after the Days and Times in which they were due, and ought to have been paid, whether they be Rents of a Manor; or any other Thing reserved.

Arrest.

Arrest is when one is taken and restrained from his Liberty. None shall be arrested for Debt, Trespas, Detinue, or other cause of Action, but by virtue of a Precept or Commandment out of some Court. But for Treason, Felony, or breaking of the Peace, every Man hath Authority to arrest without Warrant or Precept. And where one shall be arrested for Felony, it behoves that some Felony be done, and that he be suspected of the same Felony; or otherwise he may have against him that did so arrest him, a Writ of False Imprisonment. And when any Man shall be arrested for Felony, he shall be brought to the Gaol, there

there to abide till the next Sessions, to be indicted or delibered by Proclamation.

le Gaole, la a demurre tanque al prochein Session, pur estre indict, ou deliver per Proclamation.

Arretted.

Arretted.

ARretted is he that is convented befoze any Judge, and charged with a Crime. Sometimes it is used for imputed or laid unto: As no folly can be arretted to him that is within Age. Lit. cap. Remit. This Word may come of the Latin word *Reatus*; for Bracton hath this Phrase, *Ad reatum habere malefactorem*, so that he may be charged and put to his Trial. And in another Place he saith, *Reatus de morte hominis*.

ARretted est cestuy que est apel devant ascun Judge, & charge ove un crime. Ascun foits c'est use pur impute ou laid unto: Sicome nul folly puit estre arret a luy que est deins age. Lit. cap. Remit. Cest parol poit vener de Latin parol *Reatus*; car Bracton ad cest Phrase, *ad reatum habere malefactorem*, issint que il poit estre charge & mis a son trial. Et en aut' lieu il dit, *Reatus de morte hominis*.

Affach.

Affach.

Affach seems to be a British Word, and to signifie a strange kind of Excuse or Purgation by the Oaths of 300 Men. An. 1 H. 5. cap. 5.

Affach semble estre un British parol, & signifie un estrange espece de Excuse ou Purgation per les Sacraments de trois cents homes. An. 1 H. 5. c. 5.

Affart.

Affart.

Affart is an Offence committed in the Forest, by pulling up by the Roots the Woods which are Thickets or Coverts of the Forest, and by making them as plain as the arable Land. This Affart of the Forest is the greatest Offence or Trespass that can be done in the Forest to Warr or Menison, containing in it Waste, or moze: For where Waste of the Forest is nothing but the felling and cutting down of the Covert Wood, which may in Time grow again; an Affart is a pulling up by the Root, by which they can never grow again. Manw. part. 2. c. 9. num. 1. A Writ of *Ad quod damnum* may

Affart est un Offence commit en le Forest per arrachment le Boys que sont Thickets ou Coverts del Forest, & per seafance de eux cy plain come le terre arable. Cest Affart del forest est puis grand offence ou trespass que puit estre fait en le Forest al Vert ou Venison, conteignant en ceo Waste, ou puis: Car ou Waste del Forest nest forsque le felling & succiding del covert Boys, que poit en temps recrescer; un Affart est un arrachment per le root, per que ils ne unques poient crescer. Manw. part. 2. cap. 9. nu. 1. Un Brief de *Ad quod damnum* poit estre agard,

lou un home voile sue pur un licence daffart son terre diens le Forest, & faire cest several pur Agriculture; issint que nest aucun offence sil soit fait per licence. *Reg. orig. f. 257.*

Assault.

Assault (du François *Assailler*) signifie un violent façon de Injurie offer a la person de un home, de un nature plus extendue que Battery; pur ceo que il poit estre commis en offrant un coup, ou per les parols menaceants. *Lamb Eiren. l. 1. c. 3.*

Assayer.

Assayer est un Officer del Mint appoint per le Statute 2 H. 6. c. 12. destre present al receit del Bullion, come un parry indifferent enter le Master del Mint & le Merchant, pur determine le vray value de Bullion solonque le Ley.

Assets.

Assets est en deux sorts; lun appel *Assets per descent*, l'auter *Assets enter maines*. *Assets per descent* est, lou un home est obligé en un Obligation, & morust seisie de terres en Fee-simple, queux descend a son Heir, donques cest terre serra appel *Assets*, cest a dire, sufficient de payer cest dett; & per cest means le Heir serra charge cy avant que le terre issint a luy descend voil stretch. Mes sil alien devant que le Obligation soit mise en suit, il est discharge.

Auxy quand un home seisie de terre en tail, ou en droit de son feme. alien ceo ove Warranty, & ad en value tant

be awarded, where a Man will sue for a Licence to start his Land within the Forest, and make it several for Tillage; so that it is no Offence if it be done by Licence. *Reg. orig. fol. 257.*

Assault:

Assault (from the French *Assailler*) signifies a violent kind of Injury offered to a Man's Person, of a more large Extent than Battery; for it may be committed by offering a Blow, or by a terrifying Speech. *Lamb. Eiren. lib. 1. cap. 3.*

Assayer.

Assayer is an Officer of the Mint appointed by the Statute of 2 H. 6. c. 12. to be present at the taking in of the Bullion, as a Party indifferent between the Master of the Mint and the Merchant, to set the true Value of the Bullion according to the Law.

Assers.

Assers is in two Sorts; the one called *Assers per descent*, the other, *Assers enter maines*. *Assers per descent* is, where a Man is bound in an Obligation, and dies seised of Lands in Fee-simple, which descend to his Heir, then his Land shall be called *Assers*, that is, enough or sufficient to pay the same Debt; and by that Means the Heir shall be charged as far as the Land so to him descended will stretch. But if he have aliened before the Obligation be put in Suit, he is discharged.

Also when a Man seised of Lands in Tail, or in the Right of his Wife, aliens the same with Warranty, and hath in Value

as much Lands in Fee-simple, which descends to his Heir, who is also Heir in Tail, or Heir to the Woman: Now if the Heir, after the Decease of his Ancestor, bring a Writ of Formedon, or Sur cui in vita, for the Land so aliened; then he shall be barred, by Reason of the Warranty, and the Land so descended, which is as much in value as that which was sold, and so thereby he hath received no Prejudice. Therefore this Land is called Assets per descent.

Assets enter maines is, when a Man indebted (as before is said) makes Executors, and leaveth them sufficient to pay, or some Commodity or Profit is come unto them in Right of their Testator; this is called Assets in their Hands.

Assignee.

Assignee is he to whom a thing is appointed or assigned to be used, paid, or done; and is always such a Person who occupieth or hath the thing so assigned in his own Right, and for himself. And of Assignees there are two Sorts, namely, Assignee in Deed, and Assignee in Law.

Assignee in Deed is, when a Lease is granted to a Man and his Assignees, or without that Word Assignees, and the Grantor giveth, grants, or sells the same Lease to another, he is his Assignee in Deed. Assignee in Law is every Executor named by the Testator in his Testament. As if a Lease be made to a Man and his Assignees (as is aforesaid) and he makes his Executors, and dies without Assignment of the Lease to any other; the Executors shall have the Lease,

terre en Fee-simple, que descend a son Heir, que est auxy Heir en tail, ou Heir al Feme: or le Heir apres le mort son Ancester, port un Brief de Formedon, ou Sur cui in vita pur le terre issint alien; donques il serra barre, per reason dun Garranty, & le terre issint descend, que est tant en value come ceo que fuit vende, & issint per ceo il nad receive ascun prejudice. Pur ceo cest terre est appel Assets per descent.

Assets enter maines, est quand un home en dett (come devant est dit) fait Executors, & relinquit a eux sufficient de payer, ou ascun commodity ou profit est venus al eux en droit leur Testator; cest appel Assets en leur maines.

Assignee.

Assignee est celuy a que un chose est appoint ou assigne destre occupy, pay, ou fait; & est tous foits tiel person que occupy ou ad le chose issint assigne en son droit demesne. & pur luy mesme. Et de Assignees il y sont deux sorts, noisment, Assignee en Fait, & Assignee en Ley.

Assignee en Fait est, quand un Lease est grant al un & a ses Assignees, ou sans cest, parol Assignees, & le Grantee done, grant, ou vend le dit Lease al aut, il est son Assignee en Fait. Assignee en Ley est chescun Executor noisne per le Testator en son Testament. Come si un Lease soit fait al un home & a ses Assignees, (si come est avantdir) & il fait ses Executors, & morust sans assignement del Lease al ascun auter; les Executors averont mesme le Lease,

Lease, pur ceo que ils sont ses Assignees en Ley. Et issint est en auters semblables cases.

Affise.

Affise est un Brief que gist ou aſcun home est mis hors de son terre ou tenements, ou de aſcun profit a prendre en certain lieu & issint disseise de son Franktenement. Franktenement a aſcun home est, lou il est seise de terre ou tenements, ou profit a prendre en Fee-simple, Fee-tail, pur term de son vie demesne ou pur aut' vie. Mes Tenant per *Elegit*, Tenant per *Stat. Merchant* & *Stat. Staple* poient aver Affise, coment que ils nont Franktenement; & cest ordein per divers Statutes.

En Affise il covient touts foits que il soit un Disseisor & un Tenant, ou autrement le Brief abatera.

Auxy lou un home est disseise & recovers per Affise de *Novel Disseisin*, & puis est auter foits disseise per mesme le Disseisor, il avera vers luy un Brief de *Redisseisin* directe al Viscount de faire inquisition; & si trove soit le *Reaſſeiſin*, il serra mis en prison. Auxy si home recovers per Affise de *Mortdancestor*, ou per aut' Jury, ou per default, ou per reddition, & sil soit auter foits disseise, il avera donques un Brief de *Post disseisin*; & cestuy que est pris & imprison pur *Redisseisin*, ne serra deliver sans especial commandment le Roy. Veies les Statutes *Merton c. 3.* *Marlebridge c. 8.* & *Westm. 2. c. 26.*

Auxy il est un aut' Affise, nosme Affise de *Fresh force*, & gist lou home est disseise de tenements queux sont devisables,

becanse they are his Assignees in Law. And so it is in other like Cases.

Affise.

Affise is a Writ that lies where any Man is put out of his Lands, Tenements, or of any Profits to be taken in a certain Place, and so disseised of his Freehold. Freehold to any Man is, where he is seised of Lands and Tenements, or Profit to be taken in Fee-simple, Fee-tail, for Term of his own or another Man's Life. But Tenant by *Elegit*, Tenant by *Stat. Merchant* and *Stat. Staple* may have Affise, though they have no Freehold; and this is ordained by divers Statutes.

In an Affise it is needful alway that there be one Disseisor and one Tenant, or otherwise the Writ shall abate.

Also where a Man is disseised and recovers by Affise of *Novel Disseisin*, and afterward is again disseised by the same Disseisor, he shall have against him a Writ of *Redisseisin* directed to the Sherif to make Inquisition; and if the *Redisseisin* be found, he shall be sent to Prison. Also if one recover by Affise of *Mortdancestor*, or by other Jury, or by Default, or by Reddition, and if he be another Time disseised, then he shall have a Writ of *Post Disseisin*; and he who is taken and imprisoned for *Redisseisin*, shall not be delivered without special Commandment of the King, See the Statutes *Merton c. 3.* *Marlebridge cap. 8.* and *Westminster 2. c. 26.*

There is also another Affise, called Affise of *Fresh-force*, and lies where a Man is disseised of Tenements which are devisable,

as in the City of London, or other Boroughs or Towns that are Franchises; then the Defendant shall come into the Court of the said Town, and enter his Plaint, and shall have a Writ directed to the Mayor or Bailiffs, &c. and thereupon shall pass a Jury in manner of Assise of Novel Disseisin. But he must enter his Plaint within forty Days, as it is said, or otherwise he shall be sent to the Common Law. And if the Officers delay the Execution, then the Plaintiff shall have another Writ to have Execution, and a Sicur alias, and a Pluries, &c. See Lit. cap. Rents.

Assise de darrain Presentment.

Assise de darrain Presentment. See Quare impedit.

Also there is an Assise of Nuisance called Assisa Nocumenti.

Assise of the last Presentation.

Assise de utrum.

Assise de utrum lies for a Parson against a Layman, or for a Layman against a Parson, for Lands or Tenements doubtful whether they are lay Fee or free Alms.

Assise of the Forest.

Assise of the Forest is a Statute or Condition touching Orders to be observed in the King's Forest.

Assise de Mortdancestor.

Assise de Mortdancestor cannot be against Brothers or Sisters, where there is Privy of Blood, but against Strangers. Co. Lit. 242. a.

come en le City de Londres, ou autre Boroughs ou Villes que sont Franchises; donques le Defendant viendra en le Court del dit Ville, & enter son Plaint & avera un Brief direct al Major ou Bailiffs &c. & sur ceo passera un Jury en manner de Assise de Novel Disseisin. Mes il covient que il ent son Plaint deins quadrangint jours, ut dicitur, ou autrement il serra mise a le Common Ley. Et si les Ministers delay Execution, donques le Plaintiff avera un autre Brief daver Execution & Sicur alias, & un Pluries, &c. Vide Litelton, cap. Rents.

Assise de darrain Presentment.

Assise de darrain Presentment. Vide Quare impedit.

Auxy est un Assise de Nuisance appel Assisa Nocumenti.

Assisa ultima Presentationis.

Assise de utrum.

Assise de utrum gist pur un Parson vers un lay home, ou pur un lay home vers un Parson, pur Terres ou Tenements en averoust si sont lay fee ou frank almoign.

Assise del Forest.

Assise del Forest est un Statute ou Condition touchant Ordres de estre observe en le Forest del Roy.

Assise de Mortdancestor.

Assise de Mortdancestor ne poet estre envers Freres ou Soers ou est privy del Sang, mes envers Strangers. Co. Lit. 242. a.

Association.

Association est un Patent mis per le Roy, ou de son motion demesne, ou al suit del party Plaintiff, al Justices de Assise, pur aver auters persons associes al eux de prender le Assise: Et sur ceo Patent de Association, le Roy mandera son Brief as Justices de Assise, eux commandant per icel de eux admitter que sont issint mis.

Si le Roy fait trois Justices de Assise, & puis un de ceux devie, ore le Roy poit faire un Patent a un auter de Association, de associer luy a les deux, en lieu de cestuy que est mort, en un Brief, que sera close, direct a les deux Justices que sont en vie, de luy admitter. *Fitz. Nat. Brev. 185.*

Assoyl.

Assoyl venust del Latine *absolvere*, & signifie pur bail ou discharge ascun del Excommunication; & issint est use per *Staundford, Pleas de Coron, lib. 2. cap. 8. fol. 71. b.*

Assumpsit. Vide Nude Contract.

Assumpsit est un voluntary promise fait per parol, per que home assume ou prist sur luy a payer ascun chose al auter. Cest parol contein en yeel ascun verbal Promise fait sur consideration, que les Civilians expresse per plusors parols, accordant al nature del Promise; ceo appellant afeun foits *Pactum, Promissionem*, auter foits *Sponsionem, Pollicitationem*, ou *Constitutum*.

Association.

Association is a Patent sent by the King, either of his own Motion, or at the Suit of the Party Plaintiff, to the Justices of Assise, to have other Persons associated to them to take the Assise: And upon this Patent of Association, the King will send his Writ to the Justices of Assise, by it commanding them to admit them that are so sent.

If the King makes three Justices of Assise, and afterwards one of them dies, there the King may make a Patent of Association to another to associate him to the two, in place of him that is dead, in a Writ which shall be close, directed to the two Justices that are alive, to admit him. *Fitz. Nat. Brev. 185.*

Affoil.

Affoil comes from the Latin *absolvere*, and signifies to deliver or discharge a Man of an Excommunication; and so it is used by *Staundford*, in his *Pleas of the Crown*, lib. 2. cap. 18. f. 71. b.

Assumpsit. See Nude Contract.

Assumpsit is a voluntary Promise made by Word, by which a Man assumes and takes upon him to perform or pay any thing to another. This Word contains in it any verbal Promise made upon Consideration, which the Civilians expresse by several Ways, according to the Nature of the Promise; calling it sometimes *Pactum, Promissionem*, other times *Sponsionem, Pollicitationem*, or *Constitutum*.

Attach

Attach.

A Trach is a taking oꝝ appꝛehending by Command oꝝ Writ. There are some Differences between an Arrest and an Attachment; foꝝ an Arrest proceeds out of the inferiour Courts by Precept, and Attachment out of the superiour Courts by Precept oꝝ Writ. Lamb. Eiren. lib. 1. cap. 16. Also an Arrest lies only upon the Body of a Man, whereas an Attachment is sometimes upon his Goods only; as Kitch. fol. 279. b. saith, a Man may attach a Cow, and in another Case, that a Man may be attached by an hundred Sheep; and it is sometimes awarded upon the Body and Goods together at one and the same Time.

Attachment differs from a Capias, foꝝ Kitch. fol. 79. b. hath these Words, Note, That in a Court Baron a Man shall be attached by Goods, and a Capias shall not go out thence: By which it seems Attachment is moꝝe general, extending to the taking of Goods, where a Capias extends to the taking of the Body only.

An Attachment differs from a Distress, as appears by Kitch. fol. 78. a. where he saith, Process in Court-Baron is Summons, Attachment, and Distress, which are Process at the Common Law.

There is also an Attachment of Privilege: and this is twofold; either giving Power to apprehend a Man in a Place privileged, oꝝ by Virtue of an Office oꝝ Privilege; as to call another to that Court to which he himself belongs, and in

Attach

A Trach est un Prisure ou Apprehending per Command ou Brief. La sont ascuns differences perenter un Arrest & un Attachment; car un Arrest proceed hors del inferiour Courts per Precept, & Attachment hors del superior Courts per Precept ou Brief. Lamb. Eiren. lib. 1. cap. 16. Auxy un Arrest gift solement sur le Corps de un home, lou un Attachment est ascun foits sur ses biens solement; come Kitch. fol. 279. b. dit, que home poit attach un Vache, & en autre lieu, que home poit estre attach per 100 Barbits; & il est ascun foits agard sur le Corps & biens ensemble al un & mesme le temps.

Attachment differ a un Capias, car Kitchin, fol. 79. b. ad ceux parols, Nota, Que en Court-Baron home serra attach per biens, & ne isserra Capias la: Per que il semble Attachment est pluis general, extendant al prisure des biens, lou Capias extend al prisure del Corps solement.

Un Attachment differ a un Distress, come appiert per Kitch. fol. 78. a. ou il dit. Process en Court-Baron est Summons, Attachment, & Distress, que sont Processe al Commun Ley.

La est auxy un Attachment de Privilege: & ceo est en deux manners; ou donant poyer de apprehender un home en un lieu privilege, ou per vertue dun Office ou Privilege; come de appeller un aut' a cel Court a que il mesme est at-

attendant, & en respect de quel il est privilege. *Novel Livre de Entries, fol. 431. a.*

Et la est Proceſs appel *Foreign Attachment*, quo est use al attacher les Biens del *Foreigners* trove deins ascun *Liberty* ou *City*, pur un *Dett* due al party mesme. Et per le custom dascuns lieus, home poit attach Biens en les maines dun *Estranger*: Come si *A.* devoit al *B.* 10 livres, & *C.* devoit al *A.* un auter sum de *Argent*, *B.* poit attacher les biens de *A.* en les maines de *C.* a luy satisfaire ou en part ou en tout, come le *Dett* est.

Auxy la est *Attachment del Forest*, que est un Court la tenus chescun 40 jours per tout le An: En que le *Verderors* nont ascun auctority, forsque de receiver & inroler les *Attachments* del *Offenders* encounter *Vert* & *Venison* prise per les auters *Officers*, que ils poient estre present al prochein *Justice-Seat* en *Eyre*. *Manwood, part 1. p. 93. c. 22.*

Attainder.

Attainder est un Conviction dascun person dun crime ou fault dont il ne fuit convict devant: Sicome un home fait *Felony*, *Treason*, ou tiels semblables, & de ceo est indict, arraigne, & trove guilty, & ad Judgment, donques il est dit destre *Attaint*. Et ceo poit estre deux voyes; le un sur *Appearance*, le auter sur *Default*. Le *Attainder* sur *Appearance* est per *Confession*, *Battel*, ou *Verdict*: le *Attainder* sur *Default* est per Proceſs tanque il soit utlage.

Respect of which he is privileged. *New Book of Entries, fol. 431. a.*

And there is a Proceſs called a *Foreign Attachment*, which is used to attach the Goods of *Foreigners* found within any *Liberty* or *City*, for a *Debt* due to the Party himself. And, by the Custom of some Places, a Man may attach Goods in the Hands of a *Stranger*: As if *A.* owe to *B.* ten Pounds, and *C.* owes *A.* another Sum of Money, *B.* may attach the Goods of *A.* in the Hands of *C.* to satisfy himself in part or all, as the Debt is.

Also there is *Attachment of the Forest*, which is a Court there held every forty Days throughout the Year; In which the *Verderors* have not any Authority, but to receive and inrol the *Attachments* of *Offenders* against *Vert* and *Venison* taken by the other *Officers*, that they may be presented at the next *Justice-Seat* in *Eyre*. *Manwood. part 1. p. 93. c. 22.*

Attainder.

Attainder is a Conviction of any Person of a Crime or Fault whereof he was not convicted before: As if a Man have committed *Felony*, *Treason*, or such like, and thereof is indicted, arraigned, and found guilty, and hath Judgment, then he is said to be *Attainted*. And this may be two Ways, the one upon *Appearance*, the other upon *Default*. The *Attainder* upon *Appearance* is by *Confession*, *Battail*, or *Verdict*: The *Attainder* upon *Default* is by Proceſs until he be outlawed.

Attaint.

A *Traint* is a *Writ* that lies where false *Verdict* is given by twelve *Men*, and *Judgment* given thereon, then the *Party* against whom they have passed, shall have a *Writ* against the twelve *Men*; and when they are at *Issue*, it shall be tried by twenty-four *Jurors*, and if the false *Verdict* be found, the twelve *Men* are *Attaint*; and then the *Judgment* shall be, That their *Headows* shall be eyed, their *Houses* broken down, their *Woods* turned up, and all their *Lands* and *Tenements* forfeited to the *King*: But if it pass against him that brought that *Attaint*, he shall be imprisoned, and grievously ransomed at the *King's* will. See the *Statute* 23 *Hen. 8. cap. 3.* *Attaint* also is when *Judgment* is given in *Treason* or *Felony*.

Attendant.

A *Trendant* is where one owes a *Duty* or *Service* to another, or where it depends upon another: As if there be *Lord*, *Mesne*, and *Tenant*, the *Tenant* holds of the *Mesne* by a *Penny*, the *Mesne* holds over by two *Pence*, the *Mesne* releases to the *Tenant* all the *Right* which he hath in the *Land*, and the *Tenant* dies; his *Wife* shall be endowed of the *Land*, and she shall be *Attendant* to the *Heir* of the third *Part* of one *Penny*, and not of the third *Part* of two *Pence*; for she shall be endowed of the best *Possession* of her *Husband*. Also where a *Wife* is endowed by the *Guardian*, she shall be *Attendant* to the *Guardian* and to the *Heir* at his full *Age*.

Attaint.

A *Traint* est un *Brief* que gist lou faux *Verdict* est done per douze homes, & *Judgment* done sur ceo, donques le party vers que ils avoient pas, avera cest *Brief* vers les douze homes; & quand ils sont a *issue*, il serra trie per vint quater *Jurors*, & si faux *Verdict* soit trove, les douze *Jurors* sont *attaint*; & donques le *Judgment* serra, que lour *Prees* serront cyrs, lour *Measons* destrufes, lour *Bois* subvertes, & tous lour *Terres* & *Tenements* forfeit al *Roy*: Mes sil passa encounter celuy que port cest *attaint*, il serra imprison, & grievousment ransom al volunt le *Roy*. Vide le *Stat.* 23 *Hen. 8. cap. 3.* *Attaint* auxy est quand *Judgment* est done en *Treason* ou *Felony*.

Attendant.

A *Trendant* est ou un doit un *duty* ou *service* al autre, ou come il suit depend sur autre: Come si la soit *Seignior*, *Mesne*, & *Tenant*, le *Tenant* tient del *Mesne* per un *denier*, le *Mesne* tient ouster per deux *deniers*, le *Mesne* release al *Tenant* tout le *droit* que il ad en le terre, & le *Tenant* morust; sa feme serra endow del terre, & el serra *Attendant* al *Heir* del tierce part d'un *denier*, & nemy del tierce part del deux *deniers*; car el serra endow del mieulx *possession* de sa baron, Auxy ou le feme est endow per le *Guardian*, el serra *Attendant* al *Guardian*, & al *Heir* a son *plein age*.

Attorney.

A *Torney* est un designe per auter home a faire ascun chose en son lieu, le quel *West* issint ad desine, *Attorneys* sont tiels persons que per consent, commandment, ou request, caveont, veieront al, & prendront sur eux le charge de besoignes de auters homes en leur absence.

Et lou en ancien temps ceux de authority en Courts ont aver ceo en leur arbitrement, ou ils voilent permettre homes de appearer ou suer per asc' aut' que eux mesmes, come appiier per *Fitz. Nat. Brev.* 25. en le Brief de *Dedimus potestatem de Attornato faciendo*, ou il est monstre, que homes tueront chaise a procurer les Briefs ou Letters Patents del Roy, al appointer Attorneys pur eux; il est ore provide per divers Stat. que il serra loyal issint a faire sans ascun tiel circuit. Et la est grand Diversity de Briefs en le table del Register, per que le Roy command ces Juges al admit de Attorneys.

Per quel means al darrein la fueront cy plusors imperite Attorneys, & cy plusors mischiefs per eux, que un act fuit 4 H. 4. c. 18. ordeigne pur leur restraint, que les Justices examineront eux, & mittront hors le imperites: Et *An.* 33 H. 6. c. 7. que la ne serront mes un certain number de eux en *Norfolk & Suffolk*.

Et queux cases home a cest jour poit aver un Attorney & eu queux nemy, veies *Fitz. Nat. Brev.* en le lieu devant cite.

Attorney.

A *Torney* is one appointed by another Man to do something in his stead, whom *West* hath defined thus, Attorneys are such Persons as by Consent, Commandment or Request, take care of, see to, and undertake the Charge of other Mens Business in their Absence.

And where in ancient Time those of Authority in Courts have had it in their Dispose, when they would permit Men to appear or sue by any other than themselves, as appears by *Fitz. Nat. Brev.* 24. in the Writ of *Dedimus potestatem de Attornato faciendo*, where it is shewed, that Men were driven to procure the Writs or Letters Patents of the King to appoint Attorneys for them; it is now provided by divers Stat. that it shall be lawful so to do without any such Circuit. And there is great Diversity of Writs in the Table of the Register, by which the King commands his Judges to admit of Attorneys.

By which Means at last there were so many unskillful Attorneys, and so many Mischiefs by them, that an Act was 4 Hen. 4. c. 18. ordained for their Restraint, that the Justices should examine them, and put out the unskillful: And *Ann.* 33 H. 6. c. 7. that there should be but a certain Number of them in *Norfolk* and *Suffolk*.

In what Cases a Man at this Day may have an Attorney, and in what not, see *Fitz. Nat. Brev.* in the Place before cited.

Attorney

Attorney is either general, or special. Attorney general, is he that is appointed to all our Affairs or Suits; as the Attorney General of the King, Attorney General of the Duke, Crom. 105. Attorney Special or particular is he that is imployed in one or more Things particularly specified. Attorneys General are made two Ways, either by the King's Letters Patents, or by our own Appointment, before Justices in Eyre in open Court. See Glan. lib. 11. cap. 1. Brit. 126.

Attournment.

An Attournment is, when one is Tenant for Term of Life, and he is Reversion or Remainder grants his Right or Estate to another, then it behoves the Tenant for Life to agree thereto; and this Agreement is called an Attournment. For if he in the Reversion grant his Estate and Right to another, if the Tenant for Life attourn not, nothing passes by the Grant.

But if it be granted by Fine in Court of Record, he shall be compelled to attourn. And see thereof after, Title Quid juris clamat, and in Litt. lib. 3. cap. 10.

Audience Court.

Audience Court (Curia audientie Cantuariensis) is a Court belonging to the Archbishop of Canterbury, of equal Authority with the Arches Court, though inferior both in Dignity and Antiquity. Of which you may read more in a Book entituled, De antiquitate Ecclesie Britannicæ historia.

Attorney est ou general, ou special. Attorney General est cestuy que est designe a tous nostre affaires ou Suits, come le Attorney general del Roy, Attorney general del Duke, Crom. 105. Attorney special ou particular est cestuy que est imploy en un ou plusieurs choses particulièrement specifies. Attorneys general sont faits deux voyes, ou per les Letters Patents del Roy, ou per nostre appointment devant Justices en Eyre en overt Court. Veies Glan. lib. 11. c. 1. Brit. 126.

Attournment.

An Attournment est, quand un est Tenant pur term de vie, & cestuy en le Reversion ou Remainder granta son droit ou estate a un aut', donques il covient que le Tenant pur vie agree a ceo; & cest agreement est appel Attournment. Car si cestuy en le Reversion grant son estate & son droit a un auter, si le Tenant pur vie ne attourna, riens passe per le grant.

Mes sil soit grant per Fine en Court de Record, il serra compel de attourne. Et vide de ceo apres, Titulo Quid juris clamat, & Litt. lib. 3. cap. 10.

Curia de Audiente.

Curia de Audiente est un Curia appartenant al Archevesque de Canterbury, de egal authority avec le Curia de Arches, coment que inferieur en dignity & antiquity. De quel vous poies lire plusieurs en un Livre intitule, De antiquitate Ecclesie Britannicæ historia.

Audita Querela.

Audita Querela est un Brief que gist lou un est oblige en un Estatute-Merchant, Estatute-Staple, ou Recognisance, ou lou Jugement est done vers luy pur Dett, & son corps en Execution sur ceo; donques sil ad un Releas, ou auter sufficient matter d'estre discharge del Execution, mes nad jour en Court de ceo pleader, donques il avera cest Brief vers cestuy que ad recover, ou vers ses Executors.

Auditeur.

Auditeur est un Officer del Roy, ou del auter grand person, que per annuel Examination del Accounts de tout inferior Officers accountable, fait un general Livre, que monstre le difference pe-renter leur Receptions ou Charge, & leur Payments ou Allocations. Veies le Stat. 33 H. 8. c. 33.

Est auxy un auter sort de Auditors assigne per alcun Court en quel un Defendant est adjuge de Accounter, queux prissent l'Account, & mise ceo en form en escript, & donque ceo est enrol, & le Plaintiff plede a ceo, & le Defendant reply si mistier soit, & issint aleront al issue sur divers points & particulars del Account.

Average.

Average est le Service que le Tenant doit a son Seignior, d'estre fait per les avers le Tenant: Et semble d'estre derive del parol Ave-

Audita Querela.

Audita Querela is a Writ that lies where one is bound in a Statute-Merchant, Statute-Staple, or Recognisance, or where Judgment is given against him for Debt, and his Body in Execution thereupon; then if he have a Release, or other Matter sufficient to be discharged of Execution, but hath no Day in Court there to plead it, then he shall have this Writ against him which hath recovered, or against his Executors.

Auditor.

Auditor is an Officer of the King, or some other great Person, who, by yearly examining the Accounts of all Under-Officers accountable, makes up a general Book, that shews the Difference between their Receipts or Charge, and their Payments or Allowances. See the Statute 33 H. 8. c. 33.

There is also another Sort of Auditor assigned by any Court wherein a Defendant is adjudged to Account, who take the Account and put it in Form into Writing, and then it is enrolled, and the Plaintiff pleads to it, and the Defendant replies, if occasion be, and so go to Issue upon divers Points and Particulars of the Account.

Average.

Average is that Service which the Tenant owes his Lord, to be done by the Beasts of the Tenant: And it seems to be derived from the Word Averia, be-

because it is the Service which the Tenant's Beasts perform for the Lord by Carriage or otherwise. This Word also hath another Signification, and is much used in the Statute 32 H. 8. c. 14. for a certain Contribution, which Merchants and others pay proportionably towards their Losses that have their Goods cast out in a Tempest for the saving of the Ship, or of the Goods or Lives of them that are therein.

Averiis captis in Wither-
nam.

*A*veriis captis in Withernam, is a Writ for taking Cattle to his Use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, so that they cannot be replevied. Reg. of Writs, 82.

Averment.

*A*verment is, where a Ban pleads a Plea in Abatement of the Writ, or Bar of the Action, which he saith he is ready to prove as the Court will award. This Offer to prove the Plea is called an Averment.

Also there is a Writ called a Writ of Averment, which is made out of any of the Law Courts of Westminster-Hall where the Action is depending, when the Sheriff upon a Distringas returns small Issues; then the Judge of Assise may cause it to be enquired by a Jury, if the Sheriff could return more Issues of the Lands of the Defendant, and if it be found he

ria, pur ceo que est le Service que les Avers le Tenant perform pur le Seignior per carriage ou autrement. Auxy ceo parol ad un auter signification, & est mult use en le Statute 32 H. 8. c. 14. pur un certain Contribution, que Merchants & auters payont proportionalment pur les perdes de eux que ont lour biens ejetés en un tempest pur le safe guard del Niese, ou des biens & vies de eux que sont en le Niese.

Averiis captis in Wither-
nam.

*A*veriis captis in Withernam, est un Brief pur prendre des Avers a son use, qui avoit son Avers illegalment prise per un aut' & chase hors del County lou ils fueront prise, issint que ils ne point estre replevy. Reg. Brev. 82.

Averment.

*A*verment est, lou un home plead un Plea en Abatement del Brief, ou Barre de Action, que il dit il est prist de prover come le Court voil agard. Cest offer de prover son Plea est appel un Averment.

Auxy est un Brief appel Brief de Averment, que est fait hors de ascun Court del Ley a Westminster Sale, ou un Action depend, quand le Viscount sur un Distringas retourne petits issues; donques les Juges al Assises poient cause ceo d'estre enquisse per un Jury, si le Viscount poit retourner plus issues des terres le Defendant, & si soit trove que il
F 2 poit,

poit, donques il doit returne plus issues a compel le Defendant de appear al suit del Plaintiff, ou a faire ceo que le *Distringas* require luy a faire.

Averpeny.

*A*Verpeny est, *quietum esse de diversis denariis pro arreariis Domini Regis.*

Augmentation.

*A*ugmentation fuit le nosme de un Court erect en le 27 An del Roy Henry le huit. Et le cause de ceo fuit, que le Roy puit estre voierment use touchant les profits de tiels Religious Measons & leur Terres que fueront done a luy per Act de Parliament mesme le an. nient imprimee. Pur le dissolving le quel Court la fuit un Act fait en le Parliament tenu en le primer an del Reign del Roign Mary, Sess. 2. cap. 10. que el puis mis en Execution per sa Letters Patents. Le nosme del Court surde de ceo, Que les Revenues del Corone fueront tant *augment* per le Suppression des dit Measons quand le Roy reserve al Corone, & nient done ou vende a lautres. Mes le Office de Augmentation remain a cest jour, en que la sont plusors Records de grand use & importance.

Aumone.

*A*umone, ou Tenure en Almoine, est Tenure per Divine Service; car issint Brit. dit, fol. 164. Tenure en Aumone est terre ou tenements done a Aumone, dont ascun Ser-

may, then he must returne more issues to force the Defendant to appear to the Plaintiff's Suit, or to do what the *Distringas* required him to do.

Averpeny.

*A*Verpeny is, to be quit of divers Sums of Money for the King's Arrearages.

Augmentation.

*A*ugmentation was the Name of a Court erected in the 27 Year of King Henry the eighth. And the Cause thereof was, that the King might be justly used touching the Profits of such Religious Houses and their Lands, as were given him by Act of Parliament the same Year, not printed. For dissolving which Court there was an Act made in the Parliament held in the first Year of the Reign of Queen Mary, Sess. 2. cap. 10. which she afterward put in Execution by her Letters Patents. The Name of the Court arises from this, That the Revenues of the Crown were so much augmented by the Suppression of the said Houses as the King reserved to the Crown, and neither gave nor sold to others. But the Office of Augmentation remains to this Day, wherein there are many Records of great Use and Importance.

Aumone.

*A*umone, or Tenure in Almoine, is Tenure by Divine Service; for so says Britton fol. 164. Tenure in Aumone is Land or Tenements given for Alms, where

whereof some Service is reserved to the Feoffor or Donor.

vice est retenue al Feoffor ou Donor.

Auncel Weight.

Auncel Weight was an ancient Manner of Weighing in England, by the hanging of Balances or Hooks at each end of a Staff, which the Party lifted up upon his Finger, or with his Hand, and so discerned the Equality or difference of the Things weighed. But this Weight being subject to much Deceit, many Statutes were made to oust it; as the Stat. of 25 E. 3. c. 9. & 34 E. 3. c. 5. & 8 H. 6. c. 5. and others. And it was called Auncel Weight, as much as to say Handsale Weight.

Auncient, or Ancient Demesne.

Ancient Demesne is a certain Tenure whereby all those Manors that were in the Hands of St. Edward the Confessor, and which he caused to be written in a Book called Domesday, sub titulo Regis, and all the Lands holden of the said Manors, are held; and the Tenants shall not be impleaded out of the said Manors; and if they be, they may shew the Matter, and abate the Writ: But if they answer to the Writ, and Judgment be given, then the Lands become frank-fee for ever, until that Judgment be reversed by Writ of Deceit. *Rast. Ent.* 100, 221. 2 R. 3. 1. 11 H. 4. 36. 21 E. 3. 20. Also the Tenants in Ancient Demesne are free of Toll for all Things concerning their Sustenance and Husbandry in Anci-

Auncel Weight.

Auncel Weight fuit un ancien manner de poiser en Angleterre, par le pender des balances ou hooks al chescun fine de un baston, le quel le party elevate sur son digit, ou ove sa main, & issint discerne le equality & difference des choses poises. Mes ceo weight esteant subject al mult deceit, divers Statutes fueront faits a ceo ouster, come le Statute 25 E. 3. c. 9. & 34 E. 3. c. 5. & 8 H. 6. c. 5. & auters. Et fuit appel Auncel Weight, quasi Handsale Weight.

Auncient, ou Ancient Demesne.

Ancient Demesne est un certain Tenure per quel tous ceux Manors queux fueront en maines de St. Edward le Confessor, & les queux il fist escrier en un Livre appel *Domesday*, sub titulo Regis, & tous les Terres tenus de dits Manors, sont tenus; & les Tenants ne ferra implead hors del dit Manors, & s'ils soyent, ils poyent monstre le Matter, & abater le Brief: Mes s'ils responder al Brief, & plead, & Jugement soit done, donques les Terre sont de verus frank-fee a tous jours, tantque ceo Jugement est reverse per Brief de Deceit. *Rast. Ent.* 100, 221. 1 R. 3. 1. 11 H. 4. 36. 21 E. 3. 20. Auxy tous Tenants en Ancient Demesne sont frank de Tolle pur tous choses concernant leur viand & husbandrie en Ancient Demesne, &

pur tiels Terres ils ne serra
mis en empanel sur aucun En-
quest. Mes tous les Terres en
Ancient Demesne queux sont
en maines le Roy sont frank-
fee, & pleadable al Common
Ley. Veies plus apres en le
Tittle *Sokmans*.

ent Demesne, and for such
Lands they shall not be put or
impanelled upon any Inquest.
But all the Lands in Ancient
Demesne that are in the King's
Hands are frankfee, and plead-
able at the Common Law.
See more after in the Title *Sok-*
mans.

Avoir de pois.

Avoir de pois est tant a dire,
veri sive iusti ponderis :
Et signifie en nostre Ley deux
choses ; premierment, un
kind de pois different de ceo
que est appel *Troy Weight*, que
nad forsque 12 ounces al li-
ver, lou le *Avoir de pois*, con-
tein 16. Secondment, il signifie
tiel Merchandises queux sont
poises per cest Weight, & ne-
my per *Troy Weight*. Come est
a veier en le Stat. de *York*, 9 E.
3. & 27 E. 3. c. 19. Stat. 2. c. 10.
& le Stat. de *Glocester*, 2 R. 2.
c. 1.

Avoir de pois.

Avoir de pois is as much as
to say, true or just Weight:
And it signifies in our Law two
Things ; first a kind of Weight
diverse from that which is cal-
led *Troy Weight*, which hath
but 12 Ounces to the Pound,
whereas *Avoir de pois* hath 16.
Secondly, It signifies such
Merchandises as are weighed by
this Weight, and not by *Troy*
Weight. As you may see in
the Statute of *York*, 9 E. 3. &
27 E. 3. c. 19. Stat. 2. c. 10. and
the Statute of *Glocester*, 2 R. 2.
c. 1.

Avowrie.

Avowrie est lou un prist
Distress pur Rent ou au-
ter chose, & l'auter sua *Reple-*
vin ; donques celui que avoit
ceo prise justifiera en son Plea
pur quel cause il prist ceo : &
si il prist ceo en son droit de-
mesne, il doit ceo monstre, &
issint avowa le prisel, & ceo
est appel son *Avowrie*. Mes
sil ceo prist en ou pur le droit
de un auter, donques quand
il avoit monstre le cause,
il serra conusance del pri-
sel, come Bailiff ou servant
a celui en que droit il prist
ceo.

Avowrie.

Avowry is, where one takes
a Distress for Rent or other
Thing, and the other sues a *Re-*
plevin ; then he that hath taken
it shall justify in his Plea for
what Cause he took it : And if
he took it in his own Right, he
ought to shew that, and so avow
the taking, and that is called
his *Avowry*. But if he took it
it in or for the Right of another,
then when he hath shewed the
Cause, he shall make Conusance
of the taking, as Bailiff or
Servant to him in whose Right
he took it.

Avowterer

Avowterer.

Avowterer is an Adulterer with whom a married Woman continues in Adultery, the Crime is called Avowtry. 43 E. 3. 19.

Awme.

Awme is a Vessel that contains 40 Gallons of Rhenish Wine, and is mentioned in the Statute made 1 Jac. c. 23.

Avowterer.

Avowterer est un Adulterer ove que un feme Covert continue en Adulterie, le Crime est appel Avowtry. 43 E. 3. 19.

Awme.

Awme est un Vessel que canteine 40 broces de Vine Rhenish & est mention en Statute fait 1 Jac. c. 23.

B.

Backberind-Thief.

Backberind-Thief is a Thief taken with the Manner that is, having that found upon him (being followed with a Hue and Cry) which he hath stolen, whether it be Money, Linen, Woollen, or other Stuff: but it is most properly said, when he is taken carrying those things that he hath stolen in a Bundle or Fardel upon his Back.

Manwood in Part 2. notes this for one of the Circumstances or Cases in which a Forester may arrest the Body of any Offender against Vert or Venison in the Forest; which are, Dog-draw, Stable-stand, Backberind, and Bloody-hand.

Badger.

Badger is as much as to say Bagger, of the French Word *Baggage*, i. e. *Sarcina*: And it is used with us for one that is licensed to buy Corn or other Victuals in one Place, and carry them to another; and such a one is exempted in the Statute made

B.

Backberind Thief.

Backberind-Thief est un Laron prise ove le manner, c'est adite, aiant ceo trove sur luy (esteant pursue ove le Hue & Cry) le quel il ad emblee, soit il Money, Linen, Woollen, ou autre stuff: mes il est plus proprement dit, quand il est prise portant tielx choses que il ad emblee en un bundle ou fardel sur son Dorse.

Manwood en parr 2. ceo note per un des quarter circumstances ou cases en que un Forester poit arrest le Corps de ascun Offender encounter Vert ou Venison en le Forest; queux sont, *Dog-draw*, *Stable-stand*, *Backberind*, & *Bloody-hand*.

Badger.

Badger est tant adire come Bagger, del Francois parol *Baggage*, i. e. *Sarcina*: Et est use ove nous pur un que est licence de achater Corn ou autres Victuals en un lieu, & de eux transporter al autre; & tiel home est exempt en le

Statute fait *An. 5 & 6 E. 6.*
c. 14 del punishment de un
Ingrosser deins ceo Statute.

made in the 5 and 6 of E. 6. c. 14.
from the Punishment of an In-
grosser within that Statute.

Baile.

BAILE est, quand un home est prise ou arrest pur Felony, suspicion de Felony, indict de Felony, ou ascuntiel case, issint que il est restraine de son libertie, & esteant per le Ley bailable, offera Surety al eux que ont auctorite de luy Bailer; queux Sureties sont obliges pur luy al use le Roy en certain sune de argent, ou corps pur corps, que il appiera devant les Justices de Gaol-delivery al prochein Sessions, &c. Donques sur les Bonds de ceux Sureties (come est avantdit) il est bail, c'est adire, mis al liberty, tanque le jour appoint pur son Appearance.

Manwood in le prime part de son *Forest Ley*, pag. 167. dit, Que la est un grand diversity perenr, *Bail & Mainprise*; car cestuy que est mainprise est tous foits dit destre a large, & daler a son liberty demesne hors de gard, puis que il est mis al Mainprise, jesque le jour de son appearance, per reason de common Summons, ou autrement. Mes nest issint ou home est mis al Bail per quat' ou deux homes, per le Seign' Chief Justice en Eyre del Forest, jesque un certain jour; car la il est tous foits account per le Ley destre en lour gard & custody per le temps, & ils poient, sils voilont, itener luy en gard ou en prison au cest temps, ou auterment a lour volunt: Issint que il que est bail ne ferra dit per le Ley destre a large, ou a son liberty demesne.

Bail.

BAIL is, when a Man is taken or arrested for Felony, Suspicion of Felony, indicted of Felony, or any such Case, so that he is restrained of his Liberty, and being by Law bailable, offers Sureties to those who have Authority to bail him; which Sureties are bound for him to the King's Use in a certain Sum of Money, or Body for Body, that he shall appear before the Justices of Gaol-delivery at the next Sessions, &c. Then upon the Bonds of these Sureties, as aforesaid, he is bailed, that is set at Liberty, until the Day appointed for his Appearance.

Manwood in the first Part of his *Forest-Law*, pag. 167. says, There is a great Diversity between Bail and Mainprise; for he that is mainprised is always said to be at large, and to go at his own Liberty out of Ward, after he is put to Mainprise, until the Day of his Appearance, by Reason of common Summons or otherwise. But it is not so where a Man is put to bail by four or two Men, by the Lord Chief Justice in Eyre of the Forest, until a certain Day: for there he is always accounted by the Law to be in their Ward and Custody for the Time; and they may, if they will, hold him in Ward or in Prison till that Time, or otherwise at their will; so that he that is bail'd shall not be said by the Law to be at large, or at his own Liberty.

Baile.

Bailement.

Bailement is a Delivery of things, whether Writings, Goods, or Stuff, to another, sometimes to be delivered back to the Bailor, that is, to him that so delivered it; sometimes to the Use of the Bailee, that is, of him to whom it is delivered; and sometimes also, it is delivered to a third Person. This Delivery is called a Bailement.

Bailiff.

Bailliff is an Officer that belongs to a Manor, to order the Husbandry, and hath Authority to pay Quit-rents issuing out of the Manor, fell Trees, repair Houses, make Pales, Hedges, distrain Beasts doing hurt upon the Ground, and divers such like. This Officer is he whom the ancient Saxons called a Reeve, for the Name Bailiff was not then known amongst them, but came in with the Normans, and is called in Latin Villicus.

There are two other sorts of Bailiffs, that is, Bailiffs errant, and Bailiffs of Franchises. Bailiffs errant are those that the Sheriff makes and appoints to go about the County to execute Writs, to summon the County Sessions, Assises, and such like: Bailiffs of Franchises are those that are appointed by every Lord within his Liberty, to do such Offices within his Precincts, as the Bailiff errant doth abroad in the County. This Bailiff distrains for Amerciaments in Courts held within the Manor of which he is Bailiff. But if such Court is by prescription to be held

Bailement.

Bailement est un Delivery de choses, soyent ils Escripts, Biens, ou Stuff, al autre, ascun foits destre redeliver arriere al Bailor, c'est adire, al celuy que issint deliver cto; ascun foits al use del Bailee, c'est adire, de luy a que il est deliver; & ascun foits auxy il est deliver a un tierce person. Cest delivery est appel un Bailement.

Bailiff.

Bailliff est un Officer que appartient a un Manor, pur order le husbandry, & ad authority de payer Quit-rents issuant hors del Manor, succider arbres, repair les Measons, faire pales, haies, distrain avers damage feasant sur le terre, & divers tiels semblables. Cest Officer est celuy que les ancient Saxons appel un Reeve, car le nosme Bailiff ne fuit donques conus enter eux, mes vient eins ove les Normans, & est appel en Latin Villicus.

La sont deux aut' sorts de Bailiffs, cest a dire, Bailiffs errant, & Bailiffs de Franchise. Bailiffs errant sont ils que le Vicount fait & design daler environ le County a executer Briefs, a summon le County Sessions, Assises, & tiels semblables. Bailiffs de Franchises sont tiels que sont design per chescun Seign' deins son Liberty, a faire tiels Offices deins son Precincts que le Bailiff errant fait a large en le County. Cest Bailiff distrain pur Amerciaments assesse en les Courts tenus deins le Manor de quel il est Bailiff. Mes si tiel Court est per prescription destre tenu

nus deins un mois apres un Feast, & le Seneschal tient ceo apres le mois, & en ceo Court assesse un Fine ou Amerciament, & le Bailiff distraint pur ceo; le party que est issint distrein poit aver un action de Trespas vers le Bailiff.

Bank.

Bank (en François Banque, i. Mensa) est usualment pris pur un Selle ou Bank de Judgment, come Bank le Roy, Bank de Common Pleas, ou Cinnamon Bank, Kitchin fol. 102. Appel auxy en Latin Bancus Regius, & Bancus Communium Placitorum. Crompt. Jur. f. 67, & 91.

Bank le Roy.

Bank le Roy est un Court a Westminster lou les Pleas del Corone, Debts, Trespases & personel Actions, Errors, Audita Querela, &c. sont determine.

Bankrupt.

Bankrupt per le Statute 1 Jac. c. 15. est issint describe; tous & chescun tiel person & persons, usant, ou que useroit le Trade de Merchandise per voye de Exchanges, Barterie, Chevisance, ou autrement en gros, ou per querant son, sa, ou leur Trade de viver per empti-on ou vendition, & esteant un Subject nee de cest Realm, ou ascun des dominion del Roy, ou denizen que al ascun temps citra le prime jour de cest present Parliament, ou al ascun temps en apres depart' a le Royalm. ou commence a retaine sou ou sa meason ou measons, ou autrement de absent' luy ou sa mesme, ou prendra sanctuary, ou suffer luy, ou sa

within one Month after a Feast, and the Steward holds it after the Month, and in this Court assels a Fine or Amerciament, and the Bailiff distrains for it; the Party that is so distrained may have an Action of Trespas against the Bailiff.

Bank.

Bank (in French Banque, i. Mensa) is most usually taken for a Seat or Bench of Judgment, as Bank le Roy, the King's Bench, Bank de Common Pleas, the Bench of Common Pleas, or Common Bench, Kitchin fol. 102. Called also in Latin Bancus Regius, and Bancus Communium Placitorum. Crompt. Jur. f. 67, & 91.

King's-Bench.

King's-Bench is a Court at Westminster, where Pleas of the Crown, Debts, Trespases, and personal Actions, Errors, Audita Querela, &c. are determined.

Bankrupt.

Bankrupt, by the Statute 1 Jac. c. 15. is thus described; all and every such Person and Persons, using, or that shall use the Trade of Merchandise by way of Bargaining, Exchange, Barter, Chevisance, or otherwise in gross, or by seeking his, her, or their Trade of living by buying and selling, and being a Subject born of this Realm, or any of the King's Dominions, or Denizen, which at any Time since the first Day of this present Parliament, or at any Time hereafter, shall depart the Realm, or begin to keep his or her House or Houses, or otherwise to absent him or her self, or take Sanctuary, or suffer him or

or her self willingly to be arrested for any Debt, or other Thing not grown or due for Money delivered, Wares sold, or any other just or lawful Cause, or good Considerations or Purposes, or hath or will suffer him or her self to be outlawed, or yield him or her self to Prison, or willingly or fraudulently hath or shall procure him or her self to be arrested, or his or her Goods, Money or Chattels, to be attached or sequestred, or depart from his or her Dwelling-house, or make or cause to be made any fraudulent Grant or Conveyance of his, her, or their Lands, Tenements, Goods or Chattels, to the Intent, or whereby his, her, or their Creditors, being Subjects born, as aforesaid, shall or may be defeated or delayed for the Recovery of their just and true Debt, or being arrested for Debt, shall after his or her Arrest lie in Prison six Months or more, upon that Arrest or Detention in Prison, such Person, shall be accounted and adjudged a Bankrupt to all Intents and Purposes. See the Stat. 14 Car. 2. cap. 23. And several other Statutes since.

Banneret.

Banneret is a Knight made in the Field, with the Ceremony of cutting off the Point of his Standard, and making it as it were a Banner. And such are allowed to display their Arms in a Banner in the King's Army, as Barons do. And that such were next unto Barons in Dignity, appears by the Statute made in the 5 Year of R. 2. Stat. 2. cap. 4. by

mesme volontairment destre arrest pur ascun Debt, ou ascun chose nient cressant ou due pur argent deliver, wares vend, ou ascun auter just ou loyal cause, ou bone considerations. ou purposes, ou ad ou voile suffer luy ou sa mesme d'estre utlage, ou done luy ou sa mesme al prison, ou voluntairment ou fraudulently ad ou pourcarrera luy ou sa mesme d'estre arrest, ou son ou sa biens, argent ou chattels, d'estre attach ou sequestre, ou departera de son ou sa maison inhabit, ou fairs ou causera d'estre fait ascun fraudulent Grant ou Conveyance de son, sa, ou leur Terres, Tenements, Biens ou Chattels, al entent ou per que son, s, ou leur Creditors, esteant Subjects nee, come avantdir, serra ou poient estre defeat ou delay pur le recovery de leur just & voyer Dett, ou esteant arrest pur Dett, apres son ou sa Arrest gisera in prison six moys ou pluis, sur cest Arrest, ou ascun auter Arrest ou Detention en Prison, tiel Person serra accompt & adjudge un Bankrupt a chescun intents & purposes. Veies le Stat, 14 Car. 2. c. 23. Et plusieurs autres deins ceo.

Banneret.

Banneret est un Chivalier fait en le Camp, ove le Ceremony del amputer le point de son Standard & feasant ceo sicome un Banner. Et tiels sont allows pur display leur Armes en un Banner en le Army le Roy come Barons sont. Et que tiels fueront prochains as Barons en dignity, appiert per le Statute fait en le 5 an de R. 2. Stat. 2. cap. 4. per quel

quel Statute semble que tiels Bannerets fueront anciennement appels per Summons al Parliament.

Bannum.

BAnnus sive Bannum est un parol frequent & ordinary enter les Feudists, & signifie un Proclamation, ou ascun publique notice done de ascun chose. *Br. l. 3. tra. 2. cap. 21.* fait mention de *Banno Regis* pur un Proclamation, ou silence fait per le Crier devant le congreffe des Champions en un combat. Mes nous nosme cest parol *Bannus* principalement pur le Publication des Contrac̃ts matrimonial en le Esglise devant Marriage.

Bargain & Sale.

BArgain & Sale est, quand un Recompence est done per ambideux les parties al Bargain : Come si un bargain & vend son Terre al aut' pur argent, icy le terre est un Recompence a luy pur le argent, & le argent est un Recompence al auter pur le Terre ; & ceo est un bone Contract & Bargain. Et per tiel Bargain & Sale Terres poient passe sans Livrie de seisin, si le Bargain & Sale soit per Fait indent, seal & inrole, ou en le County lou le terre gift, ou en un des Courts del Roy de Record al *Westminster*, deins size moys prochein apres le date de mesme le Escrip̃t indent, &c. accordanr al Statute en ceo case fait en le 27 an. de H. 8. cap. 16.

which Statute it seems, such Bannerets were anciently called by Summons to the Parliament.

Banns.

BAnnus is a word common and ordinary among the Feudists, and signifies a Proclamation, or any Publick Notice given of any Thing. *Bract l. 3. tra. 2. cap. 21.* makes mention of *Bannus Regis* for a Proclamation or silence made by the Crier before the meeting of the Champions in a Combat. But we use this word *Banns* especially for the Publication of matrimonial Contracts in the Church before Marriage.

Bargain and Sale.

BArgain and Sale is, when a Recompence is given by both the Parties to the Bargain : As if one bargain and sell his Land to another for Money, here the Land is a Recompence to him for the Money, and the Money is a Recompence to the other for the Land ; and this is a good Contract and Bargain. And by such a Bargain and Sale Lands may pass without Livery of Seisin, if the Bargain and Sale be by Deed indented, sealed and inrolled, either in the County where the Land lies, or in one of the King's Courts of Record at Westminster, within six Months next after the Date of the same Writing indented, according to the Statute in that Behalf made in the 27 Year of H. 8. cap. 16.

Barcary.

Barcary signifie a Farm-haule as it seems, *Rast. Ent. Tit. Assise en Corps politique 2.*

Barmote.

Barmote are divers Courts not of Record within the Hundred of the Peak in Derbyshire for the Regulation of Groves, Possessions, and Trade of the Miners and Lead.

Barony.

Barony is a certain Royal Lordship where the King's Writ runneth not, and held of the King. *Rast. Ent. Tit. Assise en Office, 1.*

Barr.

Barr is when the Defendant in any Action pleads a Plea which is a sufficient Answer, and destroys the Action of the Plaintiff for ever.

And it may be divided into Barr to common Intendment, and Bar Special. Bar to common Intendment is an ordinary or general Barr, which commonly disables the Declaration or Plea of the Plaintiff. Bar Special is that which is more than ordinary, and falls out in the Case in Question, upon some special Circumstance of the Fact: As an Executor, being sued for the Debt of his Testator, pleads, That he hath nothing in his Hands at the Day of the Writ purchased; this is a good Bar to common Intendment, or at first Sight; But yet the Case may be such, that more Goods may come to his Hands after that Time, which if the Plaintiff can shew by way of Replication, then except the

Barcary.

Barcary signifie un Farm meason come semble, *Rast. Ent. Tit. Assise en corps politique 2.*

Barmote.

Barmote sont divers Courts nient de Record deins le Hundred del Peak in Derbyshire pur le regulation des Groves, Possessions & Trade del Miners & Plumb.

Barony.

Barony est quoddam Dominium regale ubi Breve Domini Regis non currit, & tentum de Domino Rege. *Rast. Ent. Tit. Assise en Office, 1.*

Barr.

Barr est, quand le Defendant en ascun Action plede un Plea que est un sufficient Respons, & adnulle l' Action de Plaintiff a tous jours.

Et ceo poit estre divide en Bar al common Intendment, & Bar special. Barr al common intendment est un ordinary ou general Barr, que communement disable le Count ou Plea del Plaintiff. Barr special est ceo que est plus que ordinary, & happa en le case en Question, sur ascun special Circumstance del fact: Come un Executor, esteant sue pur le Dett de son Testator plede, Que il ad riens en ses maines al jour quand le Brief fuit purchase; ceo est un bone Barr al common intendment, ou prima facie: Mes uncore le case poit estre tiel, que plusors biens poient venir a ses maines puis cel temps, que si le Plaintiff poit monstre per voy de Replication,

cation, dunque si non que le Defendant ad un pluis special Plea ou Bar de alledge, il est d'estre condempne en l'Action. Veies *Plow. f. 26, 28.* Et en mesme le sens Barr est auxy divide en *Barr material* ou *special* & *Barr a large.* *Kitch. f. 68.*

Barr est auxy en regard del effect divide en *Barr perpetual*, & *Barr temporary.* *Perpetual* est ceo que quash le Action a tous jours : *Temporary* est ceo que est bone pur le present, & puit apres failer : Come, *Plene administravit* est bone Barr jef-que puit appaerer que plusors biens vient puis al maines des Executors : Queux auxy tient pur le Heir, que en un Action de son Ancestors Dett plede *Reins per discent.* Veies *Brook Tit. Barr. nu. 23.*

Barr fee.

Barr fee est un Fee de vint deniers, que chescun Prisoner que est acquit de Felony, paiera al Viscount ou Gaoler : Et de ceo veies 21 H. 7. 16. b.

Barretry.

EST un parol use en Policies de Insurance, & signifie dissensions & quarrels perenter les Officers & Seamen.

Barretor.

Barretor est Common Mover, Excitor, ou Maintainer de Suits, Quarrels, ou parts, ou en Courts, ou en Pays : En Courts de Record, & en le County, Hundred, & aut' inferior Courts : En Pays, en trois Manners; primerment, en disturbance del peace, se-

Defendant hath a moze special Plea or Barr to alledge, he is to be condemned in the Action. See *Plow. f. 26, 28.* And in the same sense Barr is also divided into Barr material or special, and Barr at large. *Kitch. f. 68.*

Barr is also in regard of the Effect divided into Barr perpetual, and Barr temporary. Perpetual is that which overthows the Action for ever : Temporary is that which is good for the present, and may afterwards fail ; as, Fully administrated is a good Barr, until it appear that moze Goods came afterward to the Hands of the Executors : Which also holds for the Heir, who in an Action of his Ancestors Debt pleads Nothing by Discent. See *Brook, Tit. Barr. nu. 23.*

Barre fee.

Barr fee is a Fee of twenty Pence, which every Prisoner, acquitted of Felony, pays to the Sheriff or Gaoler : Of which see 21 H. 7. 16. b.

Barretry.

IS a Word used in Policies of Insurance, and signifies Dissensions and Quarrels among the Officers and Seamen.

Barretor.

Barretor is a Common Mover, Stirrer up, or Maintainer of Suits, Quarrels, or Parts, either in Courts, or in the Country : In the Courts of Record, and in the County, Hundred, and other inferior Courts : In Country in three Manners ; first, in disturbing the Peace, secondly,

ronaly, in taking or detaining the Possessions of House, Lands or Goods, &c. that are in Question or Controversie, not only by Force, but by Subtilty and Deceit. and more usually in suppression of Truth and Right; thirdly, by false inventing and sowing of Calumnies, Rumors and Reports, making Discord and Disquiet to rise between his Neighbours. See more of this, Co. lib. 8. fol. 36, 37.

Barter.

BArter seems to come of the French Word Barater, which signifies to Circumvent: And this Word is used with us for the Exchange of Wares for Wares; and it is mentioned in the Statutes of 1 R. 3. cap. 9. & 13 Eliz. cap. 7.

Base Fee.

TO hold in Fee Base is, to hold at the Will of the Lord. And a Base Fee is also where any hath an Estate in Land so long as another shall have Heirs of his Body, of which Estate see Plow. in Wallingham's Case, fol. 557. a.

Bastard.

Bastard is he that is born of any Woman not married, so that his Father is not known by Order of Law, and therefore he is reputed the Child of the People.

When special Bastardy is alledged, it shall be tried by the Country, and not by the Bishop. But generally Bastardy alledged shall be tried by Certificate of the Bishop.

condment, en prisel ou detainer des Possessions des Meafons, terre, ou biens, &c. que sont en question ou controverſie, non ſolement per force, mes auxy per subtilty & deceit, & pluiftost en ſuppreſſion de verity & droit; tiercement, per faux invention & ſowing de Calumniations, Rumors, & Reports, faiſant discord & diſquiet ſurg' inter ſes vicines. Veies plus de ceo, Co. lib. 8 fol. 36, 37.

Barter.

BArter ſemble de vener del François parol Barater (i. e.) *Circumvenire*: Et c'eſt parol eſt uſe ove nous pur le Exchange des Wares pur Wares, & eſt mention en les Statutes 1 R. 3. cap. 9. & 13 Eliz. cap. 7.

Base fee.

TEner en Fee Base eſt, a tener a volunt le Seignior. Et un Base Fee eſt auxy lou aſcun ad Estate en terre per cy longe temps come auter avera Heirs de ſon Corps; de quel Estate veies Plow. en Wallingham's Case, fol. 557. a.

Bastard.

Bastard eſt celuy que eſt nee de aſcun feme nient eſpouſe, iſſint que ſon pere neſt conus per le order del Ley, & pur ceo il eſt dit *Filius Populi*.

Quand eſpecial Baſtardie eſt alledge, ill ſerra trie per le Pays, & nemy per l'Eveſque. Mes generalment Baſtardie alledge ſerra trie per le Certificate del Eveſque.

Et

Et si un Feme soit grosse de Enfant per sa Baron, que morust, & el prist auter Baron, & apres le Enfant est nee; cest Enfant serra dit le Enfant de primer Baron. Mes si el fuit privement enseint al temps del Mort sa primer Baron, donques il serra dit le Enfant de second Baron. Sed quære, & veies le opinion de Thorp, 21 E. 3. 39.

Auxy si home prent feme que soit grossément enseint per ascun auter que ne fuit sa baron; & apres le Enfant est nee deins les Espousals; donques il serra dit le Enfant de baron, mesque il fuit nee forsque un jour apres les Espousals.

Baston.

Baston est un parol François, & significat *Baculum*; mes en nostre Statutes est prise pur un des Servants del Gardein le Fleet, que attend les Courts le Roy ove un color'd Baston, pur le prender de eux al gard que sont commise per le Court, & pur le attender sur eux que esteants Prisoners sont permises de aler a large per Licence. Et issint est use en le Statutes 1 R. 2. c. 12. & 5 Eliz. c. 23.

Battail.

Battail est un ancient Trial en nostre Ley, que le Defendant en un appeal de Murder, Robbery, ou Felony, poit eslier, cestascavoir, a combater ove l' Appellant, pur proof sil soit culpable del Felony ou non: quel combat sil succeed cybien del part le Defendant,

And if a Woman be great with Child by her Husband, who dies, and she takes another Husband, and after the Child is bozn; this Child shall be esteemed the Child of the first Husband. But if she vere privily with Child at the Time of the death of her first Husband, then it shall be reputed the Child of the second Husband. But enquire farther, and see the Opinion of Thorp. 21 E. 3. 39.

Also if a Man take a Wife who is great with Child by another who was not her Husband, and after the Child is bozn within the Espousals; then it shall be deemed the Child of the Husband, though it were bozn but one Day after the Espousals solemnized.

Baston.

BASTON is a French Word, and signifies a Staff; but in our Statutes it is taken for one of the Warden of the Fleet's Men, that attends the King's Courts with a painted Staff, for the taking of such to Ward as are committed by the Court, and for the attending upon such Prisoners as go at large by Licence. And so it is used in the Statutes 1 R. 2. c. 12. & 5 Eliz. c. 23.

Battail.

BAttail is an ancient Trial in our Law, which the Defendant in an Appeal of Murder, Robbery or Felony, may chuse, that is, to fight with the Appellant, for Proof whether he be culpable of the Felony or not: Which Combat, if it fall out so well on the Part of the

Defendant, that he doth vanquish the Appellant, he shall go quit, and barr him of his Appeal for ever. But if one be indicted of Felony, and an Appeal be brought upon the same Indictment, there the Defendant shall not wage Battail. Battail also may be in a Writ of Right, as in *Paramour's Case*, *Dyer* 301. pl. 41, 42. where the Champions were chosen, and the Battail awarded, and the Champions were by Sureties and Oath to perform the Battel at Totchil in Westminster; but by default of Appearance in the Demandant nothing was done therein.

Battery.

Battery is an Act that tends to the Breach of the Peace of the Realm; as when a Man assaults and beats another, this is against the Law and Peace of the Realm, which ordains, That no Man shall be his own Judge, or Revenger of his own private Wrong, but shall leave this to the censure of the Law which is always ready to hear and redress the rightful and just Complaints of every Man: Wherefore he that is so beaten may either indict the other Party, who upon it shall be fined to the King, or have his Action of Trespass of Assault and Battery against him (for every Battery implies an Assault) and recover so much in Costs and Damages as the Jury will give him by their Verdict; and the Defendant shall upon the Indictment be fined to the King, and the Action of Trespass will lie as well before as after the Indictment. But if the Plaintiff in

que il vanquish le Appellant, il alera quit, & luy barrera de son Appel a tous jours. Mes si un soit indict de Felony, & un Appel est port sur mesme le Indictment, la le Defendant ne gagera le Battail. Battail auxy poit estre en un Brief de Droit, come est en *Paramour's Case*, *Dyer* 301. pla. 41, 42. ou les Champions fueront eslies, & la Battel agard, & les Champions fueront per Mainprise & Jures de performer le Battel al Totchil en Westminster; mes per default de appearance en le Demandant riens fuit fait en ceo.

Batterie.

Batterie est un Act que tend al breach del Peace del Royalm; sicome quand un home assault & batter un autre, ceo est encounter le Ley & peace del Royalm, le quel ordeigne, Que nul home seria son Judge demesne, ou Revenger de son private tort, mes ceo laissera al censure del Ley, que est tous foits prist de oyer & redresser les droiturel & just querels de chescun home: Pur que cestuy q; est issint assault poit ou inditer l'auter party, que sur ceo serra fine al Roy, ou aver son Action de Trespass de Assault & Batterie vers luy (car chescun Batterie imply un Assault) & recover tant en costs & damages que le Jury voile doner a luy per leur Verdit; & le Defendant sur cest Indictment sera fine al Roy, & le Action de Trespass voile giser cybien devant come apres le indictment. Mes si le Plaintiff en tiel

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Action

Action fist le primer Assault, donques le Defendant alera quit, & le Plaintiff serra amerced al Roy pur son faux Suit. Et est d'estre observe que le Record del Conviction del party per Indictment poit serve pur evidence en le Action de Trespas port sur mesme le Assault & Battery.

Mes nient obstant que le party avera un double punishment pur tiel offence, cest a dire, serra punish al Roy & al party; uncore ascuns y font que en respect de leur natural, & auters que en respect de leur civil Power & auctority ouster aut', en un reasonable & moderate manner poient eux chastiser, correstre, & batter; come le Parent leur Fils, le Master son Servant ou Apprentice, le Goaler ou son Servant les turbulent prisoners, le Officer cestuy que est arrest, & ne voile auterment obeyer. Auxy home poit justifie le batture d'un auter en defence de son person demesne, ou de le person de son feme, pere, miere, ou maister. Et home poit justifie le batture de un auter en defence de ses biens, & en maintenance de Justice. Mes est d'estre note, Que en ceux cases, si home ne soit urge & constrain per un necessary cause, il ne poit justifie le fait.

Beacons & Seemarks.

Sont Fews maintain sur les coasts del Mere a preventer Shipwracks & Invasions. Co. 4. Inst. 148. order per Commissioners del Roy.

such Action makes the first Assault, then the Defendant shall go quit, and the Plaintiff shall be amerced to the King for his false Suit. And it is to be observed, that the Record of the Conviction of the Party by Indictment may serve for Evidence in the Action of Trespas brought upon the same Assault and Battery.

But notwithstanding that the Party shall have a twofold Punishment for such Offence, that is, shall be punished to the King and to the Party; yet some there are, who in Respect of their natural, and others who in Respect of their civil Power and Authority over others, in a reasonable and moderate Manner may chastise, correct and beat them; as the Parents their Child, the Master his Servant or Apprentice, the Gaoler or his Servant, the unruly Prisoners, the Officer him that is arrested, and will not otherwise obey. Also a Man may justify the beating another in Defence of his own Person, or of the Person of his Wife, Father, Mother, or Master. And a Man may justify the beating of another in Defence of his Goods, and in Maintenance of Justice. But it is to be noted, That in these Cases, if a Man be not urged and constrained by a necessary Cause, he cannot justify the Deed.

Beacons and Sea-marks.

AR E Fires maintained on the Coasts of the Seas to prevent Shipwrecks and Invasions. Co. 4. Inst. 148. ordered by the King's Commissioners.

Bedell.

Bedell is derived from the French Word *Bedeau*, which signifies a Messenger or an Apparitor of a Court, that cites Men to the Court to appear and answer. And *Manw. cap. 23. f. 221. a.* says, That a Bedell of a Forest is an Officer that goes through all the Forest, like a Sheriff's special Bailiff.

Is also a Collector of Rents for the King. *Plow. Com. 199, 200.*

Benefice.

Benefice (*Beneficium*) is generally taken for an Ecclesiastical Living, be it a Dignity or other: As *An. 13 R. 2. Stat. 2. c. 2.* where Benefices are divided into Elective, and of Gift.

Beneficio primo Ecclesiastico habendo.

Beneficio primo Ecclesiastico habendo, is a Writ directed from the King to the Chancelor or Lord-Keeper, commanding him to bestow the Benefice that shall first fall in the King's Gift, as above or under such a Value, on such a Man who is named in the Writ. *Reg. Orig. fol. 307. b.*

Benefit of the Clergy.
See Clergy.

Besaille.

Besaille is a Writ that lies for the Heir, where his Great-grand-father was seised the Day that he died, or died seised of Land in Fee-simple, and a Stranger enters the Day of the

Bedell.

Bedell est derive del François parol *Bedeau*, que signifie le Messenger d'un Court, ou un que cite home a ceo pur appear & responder. Et *Manwood, cap. 23. f. 221. a.* dit, que un Bedell del Forest est un Officer que ala per tout le Forest, semble al special Bailiff le Viscount.

Est auxy un Collector des Rents pur le Roy. *Plow. Com. 199, 200.*

Benefice.

Benefice (*Beneficium*) est generally pris pur aucun Living Ecclesiastique, soit Dignité ou aut: Come *An. 13 R. 2. Stat. 2. c. 2.* ou Benefices sont devise en Elective, & de Don.

Beneficio primo Ecclesiastico habendo.

Beneficia primo Ecclesiastico habendo est un Brief direct del Roy al Chancelour ou Seignour Keeper, commandant luy a doner le Benefice que primerment echerra en le don le Roy, desuis ou deseubs un tiel Value, a un tiel home que est nosme en le Brief. *Reg. Orig. fol. 307. b.*

Benefit del Clergy. *Veies Clergy.*

Besaille.

Besaille est un Brief que gist pur le Heir, lou son Besaille fuit seisie jour que il morust, ou morust seisie de Terre en Fee-simple, & un Estranger enter jour del mort

le Befaille, ou abate apres son mort, le Heir avera cest Brief vers tiel Disseisor ou Abator: Et veies de ceo *Fitz. Nat. Brev. 221. d.*

death of the Great-grand-father, or abates after his death, the Heir shall have this Writ against such a Disseisor or Abator: Which see *Fitz. Nat. Brev. 221. d.*

Bewpleader.

Bewpleader est un Brief sur le Statute de Marlebridge, & gift ou le Viscount ou auter Bailiff en son Court voile prendre un Fine del Party Plaintiff ou Defendant, pur ceo que il ne pledera bellement, &c. Et le Brief serra direct al Viscount mesme, ou al Bailiff, ou cestuy que voil demand cest Fine; & est come un Prohibition a luy, commandant luy que il ne demandera tiel Fine, & puit estre sue per tout le Hundred, ou per tout le County, come semble, lou il voile demand tiel Manner de Fine de eux. *Fitz. Nat. Brev. 270. a.*

Bewpleader.

Bewpleader is a Writ upon the Statute of Marlebridge, and lies where the Sheriff or other Bailiff in his Court will take a Fine of the Party, Plaintiff or Defendant, to the End that he shall not plead fairly. &c. And the Writ shall be directed to the Sheriff himself, or to the Bailiff, or him that will demand this Fine, and it is as a Prohibition to him, commanding him that he shall not demand such a Fine, and may be sued by all the Hundred, or by all the County, (as it seems) where he will demand such Manner of Fine of them. *Fitz. Nat. Brev. 270. a.*

Bigamy.

Bigamie fuit un Counter-plea object quand le Prisoner demand le Benefit del Clergie, cestascavoir, son Livre, come nosmement, que il que demand le priviledge del Clergy fuit marrie a tiel feme en tiel Lieu, deins tiel Diocesse, & que el est mort, & que il ad apres marrie un auter feme deins mesme le Diocesse, ou diens ascun auter Diocesse, & issint *Bigamus*. Ou sil nad este forsque un temps marrie, donques a dire, que el que il espouse est, ou fuit un Viefe, cest a dire, la Relict d'un tiel, &c. Le quel chose sera trie per le Evesque de le Diocesse ou le Espousels sont allege. Et esteant issint certifie per le Evesque, le Prisoner

Bigamy.

Bigamy was a Counter-plea objected when the Prisoner demanded the Benefit of the Clergy, to wit, his Book, as namely, that he who demands the Privilege of the Clergy was married to such a Woman at such a Place, within such a Diocess, and that she was dead, and that he hath married another Woman within the same Diocess, or within some other Diocess, and so is *Bigamus*. Or if he have been but once married, then to say, that she whom he hath married is, or was a Widow, that is, the Relict of such a one, &c. which shall be tried by the Bishop of the Diocess where the Marriages are alledged. And being so certified by the Bishop, the Prisoner

ner shall lose the Benefit of the Clergy. But at this Day, by Force of the Act made 1 E. 6. cap. 12. this is no Plea, but he may have his Clergy notwithstanding. So is Brook, titulo Clergie, Placito 20. to the same purpose,

perdera le Benefit del Clergie. Mes al cest jour, per force de le Act fait 1 E. 6. c. 12. ceo est nul Plea, mes que il puit aver son Clergie ceo nient obstant. Ilint est Brook, titulo Clergie, placito 20. al mesme purpose.

Bi-Laws. See By-Laws.

Bi-Laws. Veies By-Laws.

Bilinguis.

Bilinguis in general is a Man with a double Tongue; but is commonly used for that Jury which passes between an Englishman and an Alien, whereof part ought to be Englishmen and part Strangers. And for this Cause it is enacted by the Statute of 28 E. 3. cap. 13. That if any Variance chance to be about the packing of Wool between the Mayors of the Staple, between the Merchants or Ministers of the same, thereupon, to try the Truth thereof, Enquest shall be taken: And if the one Party and the other be Denizens, it shall be tried by Denizens; or if the one Party be Denizen, and the other Alien, the half of the Enquest or of the Proof shall be Denizens, and the other half Aliens.

Bill.

BILL is all one with an Obligation, saving that when it is in English, it is commonly called a Bill, in Latin an Obligation. Also a Declaration in Writing that expresses either the Grievance and Wrong which the Complainant has suffered by the Party complained of, or else some Fault by him committed against some Law or Statute of the Realm. By a Bill we now

Bilinguis.

Bilinguis en general est un home ove un double langue; uncore il est communement use pur cest Jury que passent perenter un home de Angleterre, & un Alien, de que part covient estre homes de Angleterre, & part Estrangers. Et pur ceo est enact per le Statute de 28 E. 3. c. 13. Que si ascun debate happa d'estre sur le packing de Lane devant le Major del Scaple, ent' les Merchants ou Ministers del mesme, sur ceo, de prover la veritie de ceo, Enquest serra prise: Et si lun partie & l'autre soit Denizen, il serra trie per Denizens; ou si lun partie soit Denizen, & l'autre Alien, le moiety de l' Enquest ou del proof serra Denizens, & l'autre moiety de Aliens.

Bill.

BILL est la mesme chose ove un Obligation, forsq; quand il est en Anglois, il est communement appel un Bill, en Latin, un Obligation. Auxy un Declaration en escript, que expresse ou le grievance & injury que le Plaintiff ad suffer per le partie de que le plaint est fait, ou ascun fault per luy commise contre ascun Ley ou Statute de le

Royalm. Per un *Bill* nous maintenant entendons un single Bond sans Condition; per un Obligation, un Bond ove un Penalty & Condition. *West. part 2. Symbol. tit. Supplications, sect. 52.*

Billa vera.

Billa vera est le Indorsement del grand Enquest sur ascun Presentment ou Indictment que ils trovont estre probablement voyer; & sur ceo le Partie presente est dit d'estre indicté del crime, & if sint oblige a faire response a ceo, ou pur confessing ou traversing l' Indictment.

Et si le Crime touche la Vie del Personne endicté, adonques il est refer a un autre Inquest, que sont appel le Jury de vie & mort, queux, s'ils trouve luy culpable, adonques il estoie convict del Crime, & est per le Judge a estre condempné a mort. Veies *Ignoramus* & *Indictment*.

Bissextile.

Bissextile (en Lat. *Bissextilis*) vulgairement appel *Leap-year*, pur ceo que le 6 jour devant les Calendes de *March* est bis reckon'd, viz. sur le 24 & 25 de *February*; de sorte que l'ann *Bissextile* avera un jour plus que les autres anns, & happenra chescun 4 ann. Cest Intercalation d'un jour fuit primerment invente per *Julius Caesar*, a faire l'ann agreer ove le Cours du Soleil. Et a prevenir toute ambiguitie que pourroit surder sur ceo, il est ordeine per le Estatute *De Anno Bissextili*, 21 H. 3. que le jour encreasing en le Leap-

ordinarily understand a single Bond without a Condition; by an Obligation, a Bond with a Penalty and Condition. *West. part. 2. Symbol. tit. Supplications, sect. 52.*

Billa vera.

Billa vera is the Indorsement of the Grand Enquest upon any Presentment or Indictment which they find to be probably true; and thereupon the Party presented is said to stand indicted of the Crime, and so bound to make Answer unto it, either by confessing or traversing the Indictment.

And if the Crime touch the Life of the Person indicted, it is then referred to another Inquest, who are called the Jury of Life and Death; who, if they find him guilty, then he stands convicted of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus* and *Indictment*.

Bissextile.

Bissextile (en Lat. *Bissextilis*) vulgarly called Leap year, because the sixth Day befoze the Calends of March is twice reckon'd, viz. on the 24th and 25th of February; so that the *Bissextile* Year hath one Day more than other Years. and happens every fourth Year. This Intercalation of a Day was first invented by *Julius Caesar*, to make the Year agree with the Course of the Sun. And to prevent all Ambiguity that might arise thereon, it is ordained by the Statute *De Anno Bissextili*, 21 H. 3. That the Day increas- ing in the Leap-year, and the

Day next before, shall be accounted but one Day. See Britton, fol. 209. and Dyer 17 Eliz. 345.

Blackmail.

Blackmail is a Word used in the Statute of 43 Eliz. c. 13. and signifies a Certainty of Money, Corn, Cattle, or other Consideration, given by the poor People in the North of England, to Men of great Name and Alliance in those Parts, to be by them protected from such as usually rob and steal there.

Black Rod.

Black Rod is the Usher belonging to the most Noble Order of the Garter; so called of the Black Rod he carries in his Hand. He is also Usher of the Lords House in Parliament.

Bloodwit.

Bloodwit is to be quit of Amerciaments for Bloodshedding; and what Pleas are holden in your Court, you shall have the Amerciaments thereof coming; because (Wit) in English, is Misericordia in Latin.

Bloody Hand.

Bloody Hand is the Apprehension of a Trespasser in the Forest against Venison, with his Hands or other Part bloody, though he be not found chasing or Hunting. Of which see Man. part 2. c. 18.

year, & le jour prox. devant, feront accompte forsque un jour. Veier Britton, fol. 209. & Dyer 17 Eliz. 345.

Blackmail.

Blackmail est un parol use en le Stat. 43 Eliz. c. 13. & signifie un certain rate des Deniers, Blees, Cattel, ou autre consideration, done per les povers homes en le North parts de Angleterre, as homes de grand nosme & alliance en ceux parts, d'estre per eux protects del eux que usualment robbe & embler la.

Black Rod.

Black Rod est le Huissier appartenant a tres Noble Order de Jarter; issint appel de la *Black Rod* que il port en son main. Il est auxy Huissier de la Meason des Peers en Parliament.

Bloodwit.

Bloodwit est; quietum esse de Amerciamentis de Sanguine fuso; & que teneantur Placita in Curia vestra, habebitis Amerciamenta inde provenientia; quia (Wit) en Anglois, est Misericordia en Latin.

Bloody Hand.

Bloody Hand est le apprehension de un Trespasser en le Forest vers Venison, ove ses maines ou ascun part de luy embrues en sang, coment que il ne soit trove chasing ou hunting. De quel veies Man. part 2. c. 18.

Bockland.

Bockland en temps de Saxons fu t ceo terre que nous a ceo jour appellomus Frankrenement, ou terre tenus per Charter; & fuit per ceo nosme distinguished del Folkland, que fuit terre tenus per Copy.

Bona fide.

Bona fide. Nous disomus, que ceo est fait *bona fide*, que est fait reelment ove un bon foy, sans Fraude ou Disceipt. Il est mentionne en les Estatutes 12 Car. 2. cap. 18. & 15 Car. 2. cap. 5.

Bona notabilia.

Bona notabilia est lou un home devy ayant biens al value de 5 l. en divers Diocesses, donque le Archevesque doit commit Administration; & si ascun inferior Evesque grant ceo, ceo est void. 37 H. 6. 27, 28. 10 H. 7. 18. Dyer 305.

Bonis non amovendis.

Bonis non amovendis est un Brief direct as Viscounts de Londres, &c. chargeant eux, que un home, contre le quel un Judgment est obteine en un Action, & que prosecute un Brief d'error, ne soit permis a remover ses biens jesque le Error serra trie. Reg. de Briefs, fol. 131. b.

Bordlands.

Bordlands signifie le Demesnes que Seigniors tenent en leur maines demesne, pur le maintenance de leur Bords ou Tables. Bracon l. 4. Tract. 3. c. 9. num. 5.

Bockland.

Bockland in the Saxons Time was that we at this Day call Freehold Lands, or Land held by Charter; and it was by that Name distinguished from Folkland, which was Copyhold Land.

Bona fide.

Bona fide. We say, that is done bona fide, which is done really with a good Faith, without Fraud or Deceit. It is mentioned in the Statutes 12 Car. 2. cap. 18. and 15 Car. 2. cap. 5.

Bona notabilia.

Bona notabilia is where a Man dies having Goods to the Value of five Pound in divers Diocesses, then the Archbishop ought to grant Administration; and if any inferior Bishop do grant it, it is void. 37 H. 6. 27, 28. 10 H. 7. 18. Dyer 305.

Bonis non amovendis.

Bonis non amovendis is a Writ directed to the Sheriffs of London, &c. to charge them, that a Ban, against whom a Judgment is obtain'd in an Action, and who prosecutes a Writ of Error, be not suffered to remove his Goods till the Error be tried. Reg. of Writs, fol. 131. b.

Bordlands.

Bordlands signifie the Demesnes which Lords keep in their own Hands, for the Maintenance of their Bord or Table. Bracon l. 4. Tract. 3. c. 9. num. 5.

Borow,

Borow.

Borow (which with us signifie an ancient Town, as appears by Littleton, Sect. 164) is a Word deribed either of the French Burg, id est, Pagus, or of the Saxon Borhoe, id est, Pignus, for that anciently the Neighbourhoods of a Town became Pledges one for another; and from thence comes Headborow, for the chief Pledge, or Borhoe-Aldere, with us now called the Borowholder or Bursholder.

Borow English.

Borow English is a customary Descent of Lands or Tenements in some Places, whereby they come to the youngest Son, or if the Owner have no Issue, to his youngest Brother, as in Edmunton. Kitch. fol. 102.

Borowhead.

Borowhead. See Headborow.

Bote.

Bote is an old Word signifying Help, Succour, Aid, or Advantage, and is commonly joined with another Word, whose Signification it doth augment; as these, Bridgebote, Burgbote, Firebote, Hedgebote, Plowbote, and divers other, for whose Significations look in their proper Titles.

Bottomry, vulgo Bomry.

In when a Master of a Ship in Case of Necessity doth engage his Ship for Money for the Use of the Ship.

Borow.

Borow (que ovesque nous signifie un ancien Ville come appiert per Littleton, Sect. 164.) est un parol derive ou del Francois Burg, id est, Pagus, ou del Saxon parol Borhoe, id est, Pignus, pur ceo que en ancien temps vicines dun Ville deveignent Pledges lun pur lautre: & de ceo venust Headborow, pur le chief Pledge ou Borhoe-Aldere, que nous appelomus le Borowholder ou le Bursholder.

Borow English.

Borow English est un customary Descent del Terres ou Tenements en quelques lieux, per la quel ils vient a la plus jeune fite, ou si le proprietur ad nul issue, a son plus jeune frere; come en Edmunton. Kitch. fol. 102.

Borowhead.

Borowhead. Veies Headborow.

Bote.

Bote est un veil parol, & signifie Help, Succor, Aid, ou Advantage; & est communement joyn ové un aut' parol, que signification il augment, come ceux, Bridgebote, Burgbote, Firebote, Hedgbote, Plowbote, & divers tiels semblables, pur queux significations veies en leur proper Titles.

Bottomry, vulgo Bomry.

EST quand un Master dun Neife en case de necessite gage ceo pur denyers pur le use de le Neife.

Bribor.

Bribor.

BRibor (Fr. *Bribeur*, i. *Mendiculus*) semble de signifier luy que pilfer les biens des aut homes, come Habits hors d'un fenestre, ou tiels semblables. Anno 28. E. 2. Stat. 1.

Brief.

Brief (*Breve*) signifie plus properment en nostre Ley, le Process que issuit hors del Chancery ou autre Court, commandant le Viscount de summoner ou attacher A. pur responder al Suit B. &c. Mes plus largement est prise pur ascun Precept del Roy en escript south Seal, issuant hors de ascun Court, per que il command ascun chose destre fait pur le furtherance del Justice & bone order. Et ils sont appel *Briefs* (*Brevia*) pur ceo que ils briefment comprehend le cause del Action, & *rem brevit' enarrant*. Et ascun de eux sont Originals, & ascun Judicials, come poies veier alarge en le Register des Briefs.

Ils sont six Briefs en Ley, que poent estre maintein per voy de Prevention, devant ascun Molestation, Distress, ou Impleading. Brief de Mesne devant que il soit distrain. *Warrantia Chartæ*, devant il soit implead. *Monstraverunt*, devant ascun vexation. *Audita Querela*, devant Execution sue. *Curia claudenda*, devant default de Inclosure. *Ne iniuste vexes*, devant Molestation. Et ceux sont nosme *Brevia anticipantia*.

Bribor.

BRibor (Fr. *Bribeur*, i. *Mendicus*) seems to signifie one that pilfers other Mens Goods, as Cloaths out of a Window, or the like. Anno 28. E. 2. Stat. 1.

Brief.

Brief (*Breve*) signifies most properly in our Law, the Process that issues out of the Chancery or other Court, commanding the Sheriff to summon or attach A. to answer to the Suit of B. &c. But more largely it is taken for any Precept of the King in writing under Seal, issuing out of any Court, whereby he commands any thing to be done for the furtherance of Justice and good Order. And they are therefore called Briefs, because they briefly comprehend the Cause of the Action. And some of them are original, and some judicial, as you may see at large in the Register of Writs.

There are six Writs in Law, which may be maintained by way of Prevention, before Molestation, Distress, or Impleading. A Writ of Mesne before he be distrained. *Warrantia Chartæ*, before he be impleaded. *Monstraverunt*, before any vexation. *Audita Querela*, before Execution sued. *Curia claudenda*, before Default of Inclosure. *Ne iniuste vexes*, before Disturbance. And these are called Writs of Prevention.

Broad.

Broadhalpeny.

Broadhalpeny, in some Copies Broadhalfpeny, that is, to be quit of a certain Custom exacted for setting up of Tables or Boards in Fairs or Markets; and those that were freed by the King's Charter of this Custom had this Word put in their Letters Patents: by Reason whereof, at this Day the Freedom it self (for Brevity of Speech) is called Broadhalpeny.

Broker.

Broker seems to come of the French Word Broieur, id est, Tritor, he that grinds or breaks a thing into small Pieces. And the true Trade of a Broker, as it appears in the Statute made 1 Jac. c. 21. is to beat, contrive, make and conclude Bargains between Merchants and Tradesmen. But the Word is now also appropriated to those that buy and sell old and broken Apparel and Household-stuff.

Brugbote.

Brugbote (and in some Copies Bridgbote) is to be quit of giving Aid to the Repair of Bridges.

Bull.

BULL is an Instrument so called, granted by the Bishop of Rome, and sealed with a Seal of Lead, containing in it his Decrees, Commandments, or other Acts, according to the Nature of the thing for which it is granted. And these Instruments have been heretofore used and of Force in this Land: but by the Statute of 28 H. 8. c.

Broadhalpeny.

Broadhalpeny, en ascun Copies Broadhalfpeny, hoc est, quantum esse de quadam consuetudine exacta pro Tabulis levie ou boards en Fairs ou Markets; & ceux que esteont enfranchised per le Charter le Roy de cest custom ont cest parol mise en leur Lett' Patents; per reason de quel, a cest jour le Enfranchisement mesme (pur le brevity de elocution) est appel Broadhalpeny.

Broker.

Broker semble de venir del parol François Broieur, id est, Tritor, cestuy que grinde ou rumper un chose en petit parcells. Et le voyer office dun Broker, come appiert per le Stat. fait 1 Jac. c. 21. est de battre, contriver, faire & concluser bargains ent' Merchants & Tradesmen. Mes le parol est ore auxi appropriate as eux que achate & vende vieux & broken Apparel & Household-stuff.

Brugbote.

Brugbote (& en ascuns Copies Bridgebote) est quantum esse de auxilio dando ad reficiendum Pontes.

Bull.

BULL est un Instrument ainsi appel, grant per l'Evesque de Rome, enseal ove un Seal de Plumb, & continent en ceo ses Decrees, Commandments, ou aut' Acts, accordant al nature del chose pur que il est grant. Et ceux Instruments ont estre cy devant use & de force en cest Terre: mes per le Statute de 28 H. 8. c. 16. fuit enact,

enact, Que tous Bulls, Breves, Faculties, & Dispensations, de quelque nom ou nature que il fuit, ad ou straine del Evesque de Rome, seront tout ousterment void, & del nul effect. Vide Rastal. 328. C. D.

Bullion.

Bullion venust del parol François Bullion, que est le lieu ou Or est trie. Et issint Bullion est prise en les Statutes fait en 27 E. 3. Stat. 2. c. 14. & en 4 H. 4. Stat. 1. c. 10. pur le lieu a que Or ou Argent est port d'estre trie ou exchange. Mes Bullion est auxy prise en le Statute 9 E. 3. Stat. 2. c. 2. pur Or ou Argent en le Masse ou Billet.

Burbreach.

Burbreach est, quiet' esse de Transgressionibus factis in Civitate vel Burgo contra pacem.

Burgage.

Tener en Burgage, est a tener sicome les Burgers teignent de Roy ou de auter Seignior, Terres ou Tenements, rendant a luy un certain Rent per an; ou auterment lou un auter home que Burgers tient d'aucun Seignior, Terres ou Tenements en Burgage, rendant a luy un certain Rent.

Burghbote.

Burghbote est, quietum esse de auxilio dando ad faciendum Burgum, Castrum, Civitatem, Morus prostrat'.

Burgh English.

Burgh English, ou Borough English, est un Custome en un ancient Borough, que

16. it was enated, That all Bulls, Breves, Faculties, and Dispensations of whatsoever Name or Nature that it was, had or obtained from the Bishop of Rome, should be altogether void and of no effect. See Rastal. 328. C. D.

Bullion.

Bullion comes from the French Word Bullion, which is the Place where Gold is tried. And so Bullion is taken in the Statutes made in 27 E. 3. Stat. 2. c. 14. and in 4 H. 4. Stat. 1. c. 10. for the Place whither Gold or Silver is brought to be tried or exchanged. Wnt Bullion is also taken in the Stat. 9 E. 3. Stat. 2. c. 2. for Gold or Silver in the Mass or Billet.

Burbreach.

Burbreach is, to be quit of Trespasses done in City or Borough against the Peace,

Burgage.

To hold in Burgage is, to hold as the Burgers hold of the King, or of another Lord, Lands or Tenements, yielding him a certain Rent yearly, or else where another Man than Burgers holds of any Lord, Lands or Tenements in Burgage, yielding him a certain Rent.

Burghbote.

Burghbote is, to be quit of giving Aid to make a Borough, Castle, City, or Walls thrown down.

Burgh English.

Burgh English or Borough English, is a Custom in some ancient Borough, that if a Man hath

hath issue divers Sons, and dies, yet the youngest Son only shall inherit, and have all the Lands and Tenements that were his Father's, whereof he died seised within the same Borough, by Descent, as Heir to his Father by Force of the Custom of the said Borough.

This Tenure is also of Copyhold Estates by Custom of divers Manors.

Burglary.

Burglary is, when one breaks and enters into the House of another in the Night, with felonious Intent to rob or kill, or to do some other Felony; in which Cases, although he carry away nothing, yet it is Felony, for which he shall suffer Death. Otherwise it is if it be in the Day-time, or that he break the House in the Night, and enter not therein at that Time.

But if a Servant conspire with other Men to rob his Master, and to that Intent opens his Master's Doors and Windows in the Night for them, and they come into the House by that way; this is Burglary in the Strangers; and the Servant is a Thief, but no Burglar. And this was the Opinion of Sir Roger Manwood, Knight, Lord chief Baron of the Exchequer, at the Quarter-Sessions holden at Canterbury in January 1579. 21. Eliz.

Butlerage.

Is an old Duty to the Kings of this Realm for Wine imported by Aliens. Moor, Rep. 833.

si un home ad issue divers firs, & morust, uncore le puisne firs solement inherit', & avera tous les Terres & Tenements que fueront de son pere, de que il morust seisie deins mesme le Burgh, per discent, come Heir a son pere, per force del Custome de mesme le Burgh.

Ceo Tenure est auxy de Copyhold Estates per Custome de divers Manors.

Burglary.

Burglarie est, quand un debruse & enter en le Meason de un auter en le nuit, ove felonious intent de robber ou occider, ou de faire auter Felonie; en queux cafes, nient obstant il import riens, uncore il est Felonie, pur que il serra pendue. Auterment est sil soit en le jour, ou que il debruse le meason en le nuit, & ne entra pas en ceo a cest temps.

Mes si un Servant conspire ove auters de robber son Master, & a cel entent il ouvre les Doors & Fenestres de son Master en le nuit pur eux, & ils vient en le meason per cest voy; ceo est Burglarie en les estrangers, & le Servant est un Laron, mes nemy un Burgler. Et ceo fuit le opinion de Sir Roger Manwood, Chivalier, Seignior chief Baron de le Exchequer, a la Quarter-Sessions tenus en Canterbury en January 1579. 21. Eliz.

Butlerage.

EST un veiel Duty a Roys de cest Royalm pur vine import per Aliens. Moor, Rep. 833.

By-Laws.

By-Laws, (en Lat. *Billagines*) issint appelle per le *Goths*, les *Suedes*, les *Danois*, & les *Saxons*, de les parols *By*, que en tous ceux Languages signifie une Ville, & *Lagh* ou *Laghen*, que. signifie Leys, c'est a dire, Leys faits *obiter*, ou per le *Bye*; riels que sont faits en Courts-Leet ou Courts-Baron, per le commun Consent, pur le particular bien de ceux que son le seafours, ouster que le Commun ou Statute Ley liera. Les semblables sont generalment allowe per Lettres Patentés d' Incorporation a ascun Guild ou Fraternitie, pur le meillour Regulation de Traffick perenter eux mesmes, & ove auters. *Co. Lib. 6. fol. 63. a. Kitchin, fol. 45. 79.* Ceux Leys en *Escaffes* sont appels *Bir-Laws* ou *Bur-Laws*, les queux, dit *Skene*, de verb. signif. verbo *Birlaw*, sont Leys fait & determines per Consent de voisins, elects per le common Approbation en les Courts appel *Birlaw-Courts*, ou ils preignent Conifans de Plaints perenter Voisin & Voisin, de queux le homes issint eleus sont Judges & Arbitratours al Effect avant dit, & sont appells *Birlaw-men*. Car *Bawr* ou *Bawrsman* en le *Dutch* est *Rusticus*; issint *Birlaw* n'est auter forsque *Leges rusticorum*. Per le Stat. 14 Car. 2. cap. 5. Les Gardeins & Assistants pur fasant & regulating *Normich* Estoffes sont impower a faire By-Laws. Veies auxi 20 Car. 2. cap. 6.

By-Laws.

By-Laws, in Lat. *Billagines*) so called by the *Goths*, the *Swedes*, the *Danes* and the *Saxons*, from *By*, which in all those Languages signifies a *Town*; and from *Lagh* or *Laghen*, which signifies *Laws*. That is to say, *Laws* made *obiter*, or by the *By*; such as are made by a *Common Consent*, in Courts-Leet or Courts-Baron, for the particular Good of those that make them, farther than the *Common* or *Statute Law* doth bind. The like are generally allowed by *Letters Patents* of *Incorporation* to any *Guild* or *Fraternity*, for the better Regulation of *Trade* among themselves and with others. *Co. Lib. 6. fol. 63. a. Kitchen, fol. 45. 79.* These *Laws* in *Scorland* are called *Birlaws* or *Burlaws*, which, saith *Skene*, de verb. signif. verbo *Birlaw*, are *Laws* made and determined by Consent of *Neighbours*, chosen by common *Approbation* in the Courts called *Birlaw-Courts*, where they take Cognisance of *Complaints* between *Neighbour* and *Neighbour*, of which the *Ten* so chosen, are *Judges* and *Arbitrators* to the Effect aforesaid, and are called *Birlaw-men*; for *Bawr* or *Bawrsman* in *Dutch* is *Rusticus*, and so *Burlaw* is no other but *Leges Rusticorum*. By the Statute of 14 Car. 2. cap. 5. the *Wardens* and *Assistants* for making and regulating *Normich* Stuffs, are impowered to make *By-Laws*. See also 20 Car. 2. cap. 6.

C.

Cablish.

CAblish among the Writers of the Forest Laws, signifies Brushwood. Manw. pag. 84. Crompt. Jur. fol. 165. But Spelman thinks it more properly signifies Wind-fallen Wood, because of old it was written Cadibulum, from cadere.

Cantel.

CAntel seems to signify the same with what we now call Lump, as to buy by Measure or by the Lump. See Pulston in the Time of H. 3. E. 1. or E. 2. cap. 4 & 9.

It signifies also a Piece of any Thing, as a Cantel of Bread, Cheese, and the like.

Cantred.

CAntred is as much in Wales as an Hundred in England; for Cantre in the British Tongue signifies Centum. The Word is used An. 28 H. 8. c. 3.

Capacity.

CApacity is when a Man, or Body politick or corporate is able to give or take Lands or other Things, or sue Actions: As an Alien born hath sufficient Capacity to sue in any personal Action; but in a real Action it is a good Plea to say, he is an

C.

Cablish.

CAblish entre les Ecrivains de les Forest Leys, signifie Brushwood. Man. p. 84. Crompt. Jur. fol. 165. Mes Spelman pense que il plus properment signifie Wind-fallen Wood, pur ceo que ancientment fuit escrit Cadibulum, de cadere.

Cantel.

CAntel semble de signifier le mesme ove ceo que ore nous nomons le Lump, come a emer per le mesure ou per le Lump. Veies Pulston en temps H. 3. E. 1. ou E. 2. c. 4 & 9.

Il signifie auxy un Piece de ascun chose, come un Cantel de Pain, Fromage, & similia.

Cantred.

CAntred est cy tant en Gaul come un Hundred en Angleterre; car Cantre en le British langue signifie Centum. Le parol est use An. 28 H. 8. c. 3.

Capacity.

CApacity est, quand home, ou Corps politique ou corporate, est capable a doner ou prendre terres ou aurer choses, ou a suer Actions: Si come un Alien ne ad sufficient Capacitie a suer en ascun personal Action; mes en real Action est bone Plea a dire, il est

est Alien nee, & prier sil serra resp'. Dy. f. 3. pl. 8.

Si home enfeoffe un Alien & un autre home al use de luy, ou, &c. semble que le Roy avera le moiety del terre a tous jours, per reason del Incapacity del Alien. Dyer f. 283. pla. 31.

Per le Common Ley nul home ad Capacity de prender Dismes forsque Spiritual Persons, & le Roy, *qui est persona mixta*: Mes Lay-home, que nest capable de Dismes prender, fuit uncore capable de discharge de Dismes al Common Ley en son terre demesne, cybien come Spiritual home. Veies Coke l. 2. fol. 44.

Cape.

Cape est un Brief judicial touchant Plea de terres ou Tenements, issint appel (sicome les plusors de Briefs sont) de cest parol que en luy mesme port le pluis especial intention ou fine de ceo. Et cest Brief est divide en *Grand Cape* & *Petit Cape*; queux ambideux prendont des choses immovables, & semble a disagee en ceux Points, Primerment, per ceo que *Grand Cape* gist devant Appearance, & *Petit Cape* puis. Secondment, per le *Grand Cape* le Tenant est summon a respond' al default, & ouster al Demandant; *Petit Cape* summon le Tenant a respond' al default solement, & pur ceo est appel *Petit Cape* en le *Veil. Nat. Brev.* 161, 162. Uncore *Ingham* dit, que il n'est appel *Petit Cape* pur ceo que il est de petit force, mes pur ceo que ilest petit Brief en parols.

Alien born, and pray if he shall be answered. Dy. fol. 3. pla. 8.

If a Man enfeoff an Alien and another Man to the Use of himself, or, &c. it seems that the King shall have the Moiety of the Land for ever, by Reason of the Incapacity of the Alien. Dyer f. 283. pla. 31.

By the Common Law no Man hath Capacity to take Tithes but Spiritual Persons, and the King, who is a Person mixt: But a Lay-man, who is not capable of taking Tithes, was yet capable of discharge of Tithes at the Common Law in his own Land, as well as a Spiritual Man. See Coke l. 2. f. 44.

Cape.

CAPE is a Writ judicial touching Plea of Lands or Tenements, so called (as the most Part of Writs are) of that Word, which in it self carries the speciallest Intention or End thereof. And this Writ is divided into *Grand Cape* and *Petit Cape*; both which take hold of Things immoveable, and seem to differ in these Points. First, because *Grand Cape* lies before Appearance, and *Petit Cape* after. Secondly, by the *Grand Cape* the Tenant is summoned to answer to the Default, and over to the Demandant; *Petit Cape* summons the Tenant to answer to the Default only, and therefore it is called *Petit Cape* in the *Old. Nat. Brev.* 161, 162. Yet *Ingham* saith, That it is not called *Petit Cape* because it is of small Force, but because it is a little Writ in Words.

This

This Writ seems to contain in it a Process, with the Civilians called *Missio in possessionem ex primo & secundo Decreto*: For as the first Decree seizes the Thing, and the second gives it from him that made the second Default in his Appearance; so this *Capias* seizes the Land, and also assigns over to the Party a Day of Appearance, at which if he comes not in, the Land is forfeited. But there is difference between those two Courses of the Common and Civil Law; for this *Missio in possessionem* extends to touch as well Goods moveable as immoveable, where a *Cape* extends only to the immoveable.

Secondly, in this, That the Party being satisfied of his Demand, the Residue is restored to him that is defaulted: But by the *Cape* all is seized without restitution.

Thirdly, That is to the Use of the Party agent, the *Cape* is to the Use of the King. See *Bract. l. 5. tract. 3. c. 1. num. 4, 5 & 6. Regist. Judic. fol. 2. a.*

Cape ad Valentiam.

CApe ad Valentiam is a Writ of Execution, and is thus defined in the Old Nat. Brev. f. 161, 162. This Writ lies where the Tenant is impleaded of certain Lands, and he vouches to Warranty another, against whom the Summons ad warrantizandum hath been awarded, and the Vouchee comes not in at the Day given: Then if the Demandant recover against the Tenant, he shall have this Writ against the Vouchee, and shall recover so much in Value of the Vouchee's Land, if he have so much; and if he hath not so much, then the Tenant

C'est Brief semble a contenir en ceo un Processus ove les Civilians appel *Missio in possessionem ex primo & secundo Decreto*: Car sicome le primer Decree seist le chose, & le second donast ceo de luy que fist le second default en son Appearance; issint cest *Cape* seist le terre, & auxy assign ouster al party un jour de Apparance, a quel sil ne vient eins, la terre est forfeit. Uncore la est difference perent' ceux deux Courses del Common & Civil Ley; car cest *Missio in possessionem* extend a toucher cybien biens moveables come immovables, lou un *Cape* extend solement al immovables.

Secondment, en ceo, Que le party esteant satisfe de son demand, le residue est restore a luy que defaulta: Mes per le *Cape* tout est seistie sans restitution.

Tiercement, Cestuy est al use del party agent, le *Cape* est al use le Roy. Veies *Bract. l. 5. tract. 3. c. 1. num. 4, 5 & 6. Regist. Judic. f. 2. a.*

Cape ad Valentiam.

CApe ad Valentiam est un Brief de Execution, & est issint define en le *Veil Nat. Brev. f. 161, 162.* Cest Brief gist ou le Tenant est impledo de certain terres, & il vouches a Garrantie un auter, vers que les Summons *Ad warrantizandum* ad este agarde, & le Vouchee ne vient eins al jour done: Donques si le Demandant recover vers le Tenant, il avera cest Brief envers le Vouchee, & recovers tant en value de terre del Vouchee, sil tant ad; & sil nad tant, donque le Tenant

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nant avera Execution per cest Brief de tiels Terres & Tenements que descend a luy en Fee-simple; ou sil purchase apres, le Tenant avera vers luy un Resummons. & sil riens poit dire, il recovers le value.

shall have Execution by this Writ of such Lands and Tenements as descend to him in Fee-simple; or if he purchase afterwards, the Tenant shall have against him a Resummons, and if he can say nothing, he shall recover the Value.

Et saches, Que cest Brief gist devant Apparance. De ceux & leur divers uses, veies le Table del Reg. Jud. le parol Cape.

And know, That this Writ lies befoze Appearance. Of these and their divers Uses, see the Table of the Reg. Jud. the Word Cape.

Capias.

Capias est del deux sorts. L'un devant Judgment, ap pel Capias ad respondendum, en un Action personal, si le Viscount sur le primer Brief return, *Nihil habet in Balliva nostra*. En l'autre est un Brief de Execution apres Judgment, que auxy est de divers Natures, viz Capias ad satisfaciendum, Capias pro fine, Capias utlagatum, Capias utlagatum & inquiras de bonis & catallis, &c. Veies Tit. Process.

Capias.

Capias is of two Sorts. The one befoze Judgment called Capias ad respondendum, in an Action personal, if the Sheriff return upon the first Writ, *Nihil habet in Balliva nostra*. And the other is a Writ of Execution after Judgment, which also is of divers Natures, viz. Capias ad satisfaciendum, Capias pro fine, Capias utlagatum, Capias utlagatum & inquiras de bonis & catallis, &c. See Tit. Process.

Capias in Withernam de Averiis.

Capias in Withernam de Averiis est un Brief gisant pur avers en Withernam. Veies Reg. Orig. f. 82, 83.

Capias in Withernam de Averiis.

Capias in Withernam de Averiis is a Writ lying for Cattle in Withernam. See Reg. Orig. f. 82, 13.

Capias in Withernam de Homine.

Capias in Withernam de Homine est un Brief que gist pur un Servant en Withernam. Veies Reg. Orig. f. 79.

Capias in Withernam de Homine.

Capias in Withernam de homine is a Writ which lies for a Servant in Withernam. See Reg. Orig. f. 79.

Capite.

Capite is a Tenure that holds immediately of the King, as of his Crown, be it by Knights-Service or Socage, and not of any Honour, Castle, or Manor; and for this it is also called a Tenure which holds merely of the King. For as the Crown is a Corporation, a Seignior is Gross; so the King who possesses the Crown is in the Eye of the Law perpetually King, never in his Minority, and dies no more than Populus doth, whose Authority he bears. See Fitz. Nat. Brev. fol. 5. Yet note, That a Man may hold of the King, and yet not in Capite, that is, not immediately of the Crown in Gross, but by Means of some Honour, Castle, or Manor belonging to the Crown, whereof he holds his Land. Of this Kirchin saith well, That a Man may hold of the King by Knight's-Service, and yet not in Capite, because it may be he holds of some Honour by Knight's-Service, that is in the King's Hands, by descent from his Ancestors, and not immediately of the King, as of his Crown, fol. 123. With which agrees Fitz. Nat. Brev. fol. 5. k. whose Words are to this Effect: It plainly appears, that Lands which are held of the King, as of an Honour, Castle or Manor, are not held in Capite of the King, because a writ of Right in this case shall be directed to the Bailiff of the Honour, Castle, or Manor, &c. But when the Lands are held of the King, as of his Crown, then they are not held of an Honour, Castle, or Manor, but merely of the

Capite.

Capite est un Tenure que tient immédiatement del Roy, come de son Corone, soit ceo per service de Chivaler, ou Socage, & nient dascun Honour, Castle ou Manor; & pur ceo il est auxi appel un Tenure que tient meurement del Roy. Car come le Corone est un Corporation, un Seigniorie en gros; issint le Roy que possede le Corone est en le oiel del Ley perpetualment Roy, & ne unques est en son Minority, ou morust, nient pluis que Populus fait, le authority de queux il port. Veies Fitz. Nat. Brev. f. 5. Uncore nota, Que un home poit tener del Roy, & uncore nient en Capite, cest a dire, nient immédiatement del Corone en gros, mes per means dascun Honor, Castle, ou Manor, appartenant al Corone, de que il tient sa Terre. De ceo Kitchen bien dit, Que home poit tener del Roy per service de Chival, & uncore nient en Capite, pur ceo que poit estre que il tient dascun Honor per service de Chival, que est en le mains del Roy, per discent de son Ancestors, & nient immediatment del Roy come de son Corone, fol 129. Ove que agree Fitz. Nat. Brev. f. 5. k. queux parols sont a cest effect; il plainment appierr, que Terres queux sont tenus del Roy come de un Honor, Castle, ou Manor, ne sont tenus en Capite del Roy, pur ceo que un Brief de droit en cel case ferra direct al Bailiff del Honor, Castle ou Manor, &c. Mes quand les Terres sont tenus del Roy come de son Corone, donque ils ne sont tenus de un Honor, Castle, ou Manor, mes mere-

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ment del Roy come Roy, & de son Corone, come de un Seigniorie de luy mesme en gros, & le chief de tous auters Seigniories.

Et cest Tenure en *Capite* est auterment appel Tenure tiendrant del Person del Roy. *Dyer f. 44. Brook tit. Tenures, num. 65, 99.* Et uncore *Kitch. f. 208.* dit, Que. home poit tener del Person del Roy, & uncore nient en *Capite*. Son Case est tiel, Si le Roy purchase Manor que J. S. tient, le Tenant tiendra come il teignoit devant, & il ne rendra Liverie, ne primer Seisin, ne tiendra en *Capite*. Et si le Roy grant son Manor a W. N. en fee, exceptant les services de J. S. donques J. S. tient del Roy come del Person del Roy, & uncore ne tient en *Capite*, mes come il tenoit devant: Per que il semble, que tenure tiendrant del Person del Roy. & Tenure en *Capite* sont deux divers Tenures. A toller quel difference poit estre dit, que ceo lieu de *Kitch.* est destre prise come sil ad dit, Nemy en *Capite* per service de Chivaler, mes per Socage, pur ceo que pluis communement, ou nous parlons de Tenure en *Capite*, nous intendomus Tenure per service de Chivaler. Veies le Stat. 12 Car. 2. c. 24. per quel tous Tenures sont ore vert en frank & comune Socage.

Caption.

Caption. Quand un Commission est execute, & les Nomes de Commissioners soubscribe, & returne, ceo est appel un *Caption*.

King as King, and of his Crown, as of a Seigniorie of it self in gros, and the chief of all other Seigniories.

And this Tenure in *Capite* is otherwise called Tenure holding of the Person of the King, *Dyer f. 44. Brook titulo Tenures, num. 65, 99.* And yet *Kitch. f. 208.* saith, That a Man may hold of the Person of the King, and yet not in *Capite*. His Case is this, If the King purchase a Manor that J. S. holds, the Tenant shall hold as he did before, and he shall not render Liverie, nor primer Seisin, nor hold in *Capite*. And if the King grants his Manor to W. N. in fee, excepting the Services of J. S. then J. S. holds as of the Person of the King, and yet holds not in *Capite*, but as he held before: By which it seems, that Tenure holding of the Person of the King, and Tenure in *Capite*, are two divers Tenures. To take away which Difference, it may be said, That this Place of *Kitch.* is to be taken as if he had said, Not in *Capite* by Knight's Service, but by Socage, following the usual Speech, because most commonly, where we speak of Tenure in *Capite*, we intend Tenure by Knight's Service. See the Stat. 12 Car. 2. c. 24. by which all Tenures are now turned into free and common Socage.

Caption.

Caption. When a Commission is executed, and the Commissioner's Names subscribed, and returned, that is called a *Caption*.

Cark.

Cark seems to be a Quantity of Wool, whereof 30 make a Sarplar. 27 H. 6. cap. 2. See Sarplar.

Carno.

Carno is an Immunity, as appears in Crompt. Jurisd. f. 191. where it is said, That the Prior of Malton made claim for him and his Men to be quit of all Amerciaments within the Forest, and also to be quit of Escapes, and of all Manner of Gelds, and of Foot-gelds, Buck-stall, Trites, Carno, and Summage, &c.

Carrack or Carrick.

Carrack, alias Carrick, is a Ship of Burthen, and is so call'd of the Italian Word Carico or Carco, which signifies a Burthen. This Word is mentioned in the Stat. 1 Jac. c. 23.

Carue of Land.

Carue, or Carucate of Land, is a certain Quantity of Land by which the Subjects have been heretofore taxed; whereupon the Tribute so levied is called Caruage, Bract. l. 2. c. 16. num. 8. Lit. Sect. 119. saith, That Soca is the same with Caruca, sc. a Soke or Plow. Stow, in his Annals, p. 271. hath these Words; The same Time H. the King took Caruage, that is to say, two Marks of Silver for every Knight's Fee, to the Marriage of his Sister Isabel to the Emperor. By which it seems there was raised of every Plowland so much, and so consequently of every Knight's Fee two Marks of Silver. Rastal, in his Exposition of Words saith, That

Cark.

Cark semble destre un quantity de Lane, de que troisieme sont un Sarplar. 27 H. 6. c. 2. Vid. Sarplar.

Carno.

Carno est un Immunitie, comme appiert en Crompt. Jur. f. 191. ou est dit, Que le Prior de Malton fait claim pur luy & ses homes, destre quit de tous Amerciaments deins le Forest, & auzy destre frank de Scapes, & de toutes Manners de Gelds, & de Pee-gelds. Buck-stall, Trites, Carno, & Summage, &c.

Carrack ou Carrick.

Carrack, alias Carrick, est un Niese de faix, & est issint appel del parol Italoins Carico vel Carco, id est, Onus. Cest parol est mention en le Statute, 1 Jac. c. 23.

Carue de Terre.

Carue, ou Carucat de terre, est un certain quantitie de terre per que les Subjects ont este cydevant taxe; sur que le Tribute issint levie est appel Caruage, Bract. l. 2. c. 16. num. 8. Littleton Sect. 119. dit, que Soca est mesme ove Caruca, sc. un Soke ou Carue. Stow en son Annals, p. 271. ad ceux parols; Mesme le temps H. le Roy prist Caruage, cest adire, deux Marks d'argent de chescun Fee dun Chivaler al marriage de son soer Isabel al Emperor, Per que il semble que la fuit raise de chescun Carue de terre tant, & issint per consequent de chescun Fee de Chivaler deux Marks de argent. Rast. en son Exposition

de parols dit, que Caruage est destre quit, si le Roy taxera tout le Terre per Carue, cest adire, un Privilege per que un home est exempt de Caruage.

Skene dit, que ceo contene cy grand portion de terre que poit estre eyred ou tilled en un an & jour ove un Carue; que auxy est appel *Hida* ou *Hida terra*.

Castellaine.

Castellaine est un Keeper ou Captain, ascun foits appel un Constable de un Castle. *Bract.* l. 5. tra. 2. c. 16. En mesme le manner est use *Anno* 3. E. 1. c. 7. En les Livers de *Feudis* vous troveres *Guaftaldus* destre de tiel signification, mes plus large, pur ceo que il est auxy extend a ceux que ont le custodie de les Mansion-measons del Roy, appel Courts, nient obstant que ils ne sont lieux de defence ou force. *Manwood*, part 1. del Leys del Forest, p. 113. dit, que la est un Officer del Forest appel *Castellanus*.

Castleguard.

Castleguard est un imposition impose sur tiels Subjects del Roy queux inhabitant deins un certain compas dascun Castle, al maintenance de tiels queux vigilant & gardont l'Castle. *Mag. Chart.* c. 2. & *An.* 32 H. 8. c. 48. Il est ascun foits use pur le Circuit mesme que est inhabit per tiels queux sont subject a cest Service. Veies *Chivalry*.

Casu consimili.

Casu consimili est un Brief de Entry, grantus ou le Tenant per courtesie, ou Tenant

Caruage is to be quit, if the King shall tax all the Land by Plows, that is, a Privilege by which a Man is freed from Caruage,

Skene saith, That it contains as great a Portion of Land as may be eyred or tilled in a Year and a Day with one Plow; which also is called a Hide, or Hide of Land.

Castellain.

Castellain is a Keeper or Captain, sometimes called a Constable of a Castle. *Bracton*, lib. 5. tra. 2. cap. 16. In the same Manner it is used *Anno* 3. E. 1. cap. 7. In the Book de *Feudis* you shall find *Guaftaldus* to be of like Signification, but more large, because it is also extended to those that have the Custody of the King's Mansion-houses, called Courts, notwithstanding they are not Places of Defence or Force. *Manwood*, part 1. of the Laws of the Forest, p. 113. saith, That there is an Officer of the Forest called *Castellanus*.

Castleguard.

Castleguard is an Imposition laid upon such of the King's Subjects as dwell within a certain Compass of any Castle, to the Maintenance of such as watch and ward it. *Magna Charta*, cap. 2. & *An.* 32 H. 8. cap. 48. It is sometimes used for the Circuit it self which is inhabited by such as are subject to this Service. See *Chivalry*.

Casu consimili.

Casu consimili is a Writ of Entry granted where the Tenant by Courtesie, or Tenant

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for Term of Life, or for the Life of another, aliens in Fee, or in Tail, or for the Life of another. And it hath this Name, because the Clerks of the Chancery have framed it by their common Consent like the Writ called in casu proviso, according to the Authority given them by the Stat. of Westminster 2. c. 24. which wills, That as often as it shall happen in Chancery, that in one Case a Writ is found, and in the like Case a Remedy is wanting, the Clerks of the Chancery should agree to make a Writ, &c. And this Writ is granted to him in Reversion against the Party to whom the said Tenant so aliened to his Prejudice, and in the Life of the Tenant. See more of this, Fitz. Nat. Brev. fol. 206.

Casu proviso.

CAsu proviso is given by the Stat. of Gloucester, c. 7. This Writ lies where Tenant in Dower aliens in Fee, or for Life, or in Tail, the Land which he holds in Dower; there he that hath the Reversion in Fee, or in Tail, or for Term of Life, shall presently have this Writ against the Alienee, or him that is Tenant of the Freehold of the Land, and that during the Life of the Tenant in Dower. Fitz. Nat. Brev. fol. 205. n.

Catals.

CAtals, or Chattels, comprehend all Goods moveable and immoveable, except such as are in Nature of Freehold, and parcel of it, as may be collected out of Staundf. Prærog. cap. 16 and anno 1 Eliz. cap. 2. Met Kitch. fol. 12. saith, That Honey is

pur term de vie, ou pur auter vie, alien en fee, ou en tail, ou pur term d'auter vie. Et il ad cest nosme, pur ceo que les Clerks del Chancery ont ceo frame per leur common consent, ensemble al Brief appel *In casu proviso*, accordant al auctorité done al eux per le Statute de Westminster 2. cap. 24. que voit, *Quotiescunque evenerit in Cancellaria, quod in uno casu reperitur Breve, & in consimili casu indigente remedio, concordent Clerici de Cancellaria de Brevis faciendo, &c.* Et cest Brief est grant al cestuy en reversion vers le Party a que le dit Tenant issint alien a son prejudice, & en le vie del dit Tenant. Veies plus de ceo, Fitz. Nat. Brev. fol. 206.

Casu proviso.

CAsu proviso est done per le Stat. de Gloucester c. 7. Cest Brief gist lou Tenant en Dower alien en Fee, ou a term de vie, ou en tail, la terre que el tient en Dower; ore cestuy que ad le Reversion en Fee, ou en Tail, ou a terme de vie maintenant avera cest Breve vers le Alienee, ou cestuy que est Tenant del frank-tenement del terre, & ceo durant la vie le Tenant en Dower. Fitz. Nat. Brev. f. 205. n.

Catals.

CAtals, ou Chattels, comprehend tous biens moveable & immovable, forsque tiels que sont en nature de Frank-tenement, ou parcel de ceo, come poit estre hors Staundf. Prærog. cap. 16. & an. 1 Eliz. c. 2. Uneore Kitchin, fol. 32. dit, Que

Money nest destre account biens ou Catals, ne Espervers, ne Chiens, car ils sont *fera natura*. Mes il semble que Money nest Catal, pur ceo que nest de luy mesme chose valuable, mes puis en imagination que en Fait.

Catals sont ou real ou personal. *Catals real* sont ou tiels que ne apperteinont immediatement al Person, mes al ascun auter chose per voy de dependance; come un Boxe ove Chartes de Terre, le Corps dun Gard, les Pomes sur le Arbre, ou l'Arbre mesme creissant sur le Terre. *Crompt. f. 33, b.* Ou auterment tiels que sont issuant hors dascun chose immoveable al Person, come un Lease pur Rent ou terme de Ans.

Personal poient estre issint appel en deux respects. Le un pur ceo que ils appent immediatement al person de un home; come un Chival, &c. L'auter, pur ceo que quand ils sont tortiousment deteigne, nous ne avomns pas ascun auter means pur lour recoverie forsque per personal Actions.

Les Civilians comprehendont ceux choses, & auxy Terres de tous Natures ou Tenures, desouth le parol *Bona*, que est per eux divide in *Mobilia & Immobilia*. Vid. *Bracton lib. 3. c. 3. num. 3. & 4.*

Cepi corpus.

C*Epi corpus* est un Return fait per le Viscount, que, sur un *Exigend* ou auter Brief, il a pris le Corps

not to be accounted Goods of Catals, nor Hawks, nor Hounds, for they are *fera natura*. But it seems that Money is not a Chattel, because it is not in it self valuable, but rather in Imagination than in Deed.

Catals are either real or personal. Catals real are either such as do not immediately appertain to the Person, but to some other thing by way of Dependance; as a Box with Writings of Land, the Body of a Ward, the Apples upon the Tree, or the Tree it self growing upon the Ground. *Crompt. fol. 33. b.* Or else such as are issuing out of some thing immoveable to the Person, as a Lease for Rent or Term of Years.

Personal may be so called in two respects. The one, because they belong immediately to the Person of a Man; as a Horse, &c. The other, because when they are wrongfully detained, we have no other Means for their Recovery but personal Actions.

The Civilians comprehend these things, and also Lands of all Natures and Tenures, under the Words Goods, which are by them divided into Moveable and Immoveable. See *Bracton, lib. 3. cap. 3. num. 3. & 4.*

Cepi corpus.

C*Epi corpus* is a Return made by the Sheriff, & hat upon an *Exigend* or other Writ he has taken the Body of the

the Party. Fitz. Nat. Brev. del Partie. Fitz. Nat. Brev.
fol. 26. fol. 26.

Certificate.

Certificate is a Writing made in some Court, to give Notice to another Court of something done there; as a Certificate of the Cause of Attaint is a Transcript briefly made by the Clerks of the Crown, Clerk of the Peace, or Clerk of Assise, to the Court of King's Bench, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, and Clerk attainted, made or declared in any other Court.

But note, That this Certificate ought to be made by him that is the immediate Officer to the Court; and therefore if the Commissary or Official of the Bishop certifie an Excommunication in Bar of an Action at the Common Law, this is not good, (as was resolved in Coke lib. 8. fol. 68.) but such Excommunication ought to be certified by the Bishop himself. Yet the Certificate of an Excommunication by special Commissioners Delegates under their Common Seal was allowed, and held good enough in the Common Pleas. Dyer, fol. 371. pla. 4.

Certification of Assise.

Certification of Assise of Novel Disseisin, &c. is a Writ awarded to re-examine or review a Matter passed by Assise before any Justices; and is used when a Man appears by his Bailiff to an Assise brought by

Certificate.

Certificate est un Escript fait en aucun Court, a doner notice al autre Court d'aucun chose fait la; come un Certificate del Cause de Attaint est un transcript briefment fait per les Clerks del Corone, Clerk del Peace, ou Clerk de Assise, al Court del Bank le Roy, contenant le Tenor & Effect de chescun Indictment, Outlawry, ou Conviction, & Clerk attaint, fait ou declare en aucun autre Court.

Mes nota, que cest Certificate doit estre fait per cestuy que est l'immediate Officer al Court; & pur ceo si le Commissaire ou Official del Eveque certifie un Excommunication en barre de un Action al Common Ley, ceo nest bone, (come fuit resolve en Coke, lib. 8. fol. 68.) mes tiel Excommunication doit estre certifie per le Eveque mesme. Uncore le Certificate dun Excommunication per special Commissioners Delegates desouth leur common Seal fuit allow, & tenu assets bone en le Common Bank. Dyer, fol. 371. pla. 4.

Certification de Assise.

Certification de un Assise de Novel Disseisin, &c. est un Brief agard a re-examine ou reviser un chose passe per Assise devant asc' Justices; & est use quand home appiert per son Bailife al un Assise port per un

aut', & perde le jour, & ayant aucun aut' chose ouster a plede pur luy mesme, come un Fait de release, ou, &c. que le Bailiff ne plederoit, ou ne puit pleader pur luy, apris un mieux Examination del Cause, ou devant mesme les Justices ou auters, & acquire Letters Patents, (vide leur forme F. N. B. 181.) & donque port un Brief al Vicount de appeller le Party pur que le Assise ad pass, & auxi le Jury que fuit impanel sur mesme le Assise, devant les dits Justices, a un jour & lieu certain.

Et est appel un *Certificate*, pur ceo que en ceo mention est fait al Vicount, que sur le Parties complaint del defective Examination, ou awrust uncore remainant sur le Assise passe, le Roy ad direct ses Letters Patents a les Justices, pur le mieux certification de leur mesmes, ou tous les points del dit Assise fueront examine ou nemy. Veies Tit. *Trial*.

Certiorari

C*ertiorari* est un Brief que gist lou un est implead en un base Court, que est de Record, & il suppose que il ne poit aver equal Justice la; donques sur un Bill en le Chancery, comprisant ascun matter en Conscience, il avera cest Brief pur remover tout le Record en le Chancery, & la d'estre determine per Conscience; mes sil ne prova son Bill, donques l'auter Party avera un Brief de *Procedendo*, a remande le Record en le base Court, & la d'estre determine. Auxi il gist en plusors

another, and loses the Day, and having some other matter to plead farther for himself, as a Deed of Release, or, &c. which the Bailiff did not plead, or might not plead for him, desires a better Examination of the Cause, either before the same or other Justices, and obtains Letters Patents, (see their Form F. N. B. 181.) and then brings a Writ to the Sheriff to call the Party for whom the Assise had passed, and also the Jury which was impanelled upon the same Assise, before the said Justices at a Day and Place certain.

And it is called a Certificate, because therein mention is made to the Sheriff, that upon the Parties complaint of the defective Examination, or Doubts remaining yet upon the Assise passed, the King hath directed his Letters Patents to the Justices for the better certifying of themselves, whether all the Points of the said Assise were duly examined or not. See Tit. *Trial*.

Certiorari

C*ertiorari* is a Writ that lies where a Man is impleaded in a base Court, that is of Record, and he supposes that he may not have equal Justice there; then upon a Bill in the Chancery, comprizing some matter of Conscience, he shall have this Writ to remove all the Record into the Chancery, there to be determined by Conscience; but if he prove not his Bill, then the other Party shall have a Writ of *Procedendo*, to send again the Record into the base Court, and there to be determined. And it lies in many other

other Cases, to remove Records for the King, as Indictments and others.

This Writ is also granted out of the Court of King's Bench or Common Pleas, to remove any Action thither out of Inferior Courts of Record; and so the Plaintiff must declare and proceed in the Superior Court.

Also to certify Original Writs or Proceedings out of any Courts of Record into the King's Bench, where Nullum tale Recordum is pleaded.

Also upon Writs of Error of a Judgment in the Common Pleas, each Party may have this Writ to bring any of the Proceedings into the King's Bench upon alledging Diminution, as appears, *Coke Ent.* 232, 233, 242. 2 *Cro.* 131, & 479.

Cessavit.

Cessavit is a Writ that lies where my very Tenant holds of me certain Lands or Tenements, yielding certain Rent by the Year, and the Rent is behind for two Years, and no sufficient Distress may be found upon the Land; then I shall recover the Land: But if the Tenant come into the Court before Judgment given, and tender the Arrearages and Damages, and find Surety that he shall cease no more in Payment of the said Rent, I shall be compelled to take the Arrearages and the Damages, and then the Tenant shall not lose the Land. The Heir may not maintain this Writ for Cessure made in the Time of his Ancestors: And it lies not but for annual Service, as Rent, and

autres cases, pur remover Records pur le Roy, come Indictments & autres.

Cest Brief est auxy grant hors del Court del Bank le Roy ou Common Pleas, a remover ascun Action al eux hors de inferior Courts de Record; & issint le Plaintiff doit declare & proceed en le superior Court.

Auxy a certifyer Original Briefs ou proceeds hors dascun Courts de Record en Bank le Roy, ou *Nullum tale Recordum* est plede.

Auxy sur Briefs de Error d'un Jugement en le Common Pleas, chescun party poit aver cest Brief, a remover ascun Proceedings en Bank le Roy sur allegger diminution, come appiert, *Coke Ent.* 232, 233, 242. 2 *Cro.* 131, & 479.

Cessavit.

Cessavit est un Brief que gist lou mon verie Tenant tient de moy certain Terres ou Tenements, rendant certain Rent per An, & le Rent est arriere per deux Ans, & nul sufficient Distress poiet estre trove sur le Terre; donques jeo avera cest Brief, per que jeo recouvrera le Terre: Mes si le Tenant vient en Court devant Jugement, & tendra les Arrearages & les Damages, & trove Surety que il ne cessera pluis en payment de dit Rent, jeo serra compel de prender les Arrearages & les Damages, & donques le Tenant ne perdera la Terre. Le Heir ne poit maintenir cel Brief pur Cesser fait en temps son Ancestor; Auxy ne gist mes pur annual Ser-

Service, come Rent, & hujusmodi, & nient pur Homage & Fealty.

Vies Fitz. Nat. Brev. fol. 283. Cessavit de feodi firma. Reg. Orig. 237. Cessavit per biennium, ib. Veies le Nouvel Livre de Entries, verb. Cessavit.

Auxy il y ad' auter Brief appel Cessavit de Cantaria, & gist ou un done Terres a Meason de Religion, a trover per l'Ame de luy, de ses Ancestors, & de ses Heires, annualment uu Chandel ou Lampe en Esglise, ou pur faire Divine Service, de paster les povers, ou auters Almes, ou auter tiel chose faire; donque si les dits Services ne sont pas fait per 2 Ans, le Donor ou ses Heires aver' cest Brief vers quecunque est eins apres tiel Cesser. Vide le Statute W. 2. cap. 41.

Cession.

Cession est, quand un Ecclesiastical Person est cree Evesque, ou quand un Parson de un Parsonage prist un auter Benefice sans Dispensation, ou autrement nient qualifiéd, &c. En ambideux cases leur primer Benefices sont devenus void, & sont appelle d'estre void per Cession. Et al ceux que il ad que fuit cree Evesque le Roy presentera pro illa vice, quicunque soit Patron de eux: Et en l'auter case le Patron poit presenter. Veies 41 E. 3. 5. & 11 H. 4. 37.

such other, and not for Homage and Fealty.

See Fitz. Nat. Brev. fol. 283. Cessavit de feodi firma. Reg. Orig. 237. Cessavit per biennium, ib. See The new Book of Entries, verb. Cessavit.

Also there is another Brief called Cessavit de Cantaria, which lies where a Man gives Land to a House of Religion, to find for the Soul of him, his Ancestors, and his Heirs, yearly a Candle or Lamp in the Church, or to say Divine Service, feed the Poor, or other Alms, or to do some other Thing; then if the said Services be not done in two Years, the Donor or his Heirs shall have this Writ against whomsoever holds the Things given after such Cessure. See the Statute W. 2. cap. 41.

Cession.

Cession is, when an Ecclesiastical Person is created Bishop, or when a Parson of a Parsonage takes another Benefice without Dispensation, or otherwise not qualified, &c. In both Cases their first Benefices are become void, and are said to become void by Cession. And to those that he had, who was created Bishop, the King shall present for that Time, whosoever is Patron of them: And in the other Case the Patron may present. See 41 E. 3. 5. & 11 H. 4. 37.

Cestuy a que vie, & cestuy a que use.

CESTUY a que vie, is he for whole Life another holds an Estate; and cestuy a que use is he who is a Feoffee for the Use of another.

Challenge.

Challenge is an Exception taken either against Persons or Things. Persons, as in an Assise, the Jurors, or any one, or more of them; or in Case of Felony, by the Prisoner at the Bar against Things, as a Declaration. Old Nat. Brev. fol. 76.

Challenge made to the Jurors is either made to the Array, or to the Polls. Challenge to the Array is, where Exception is taken to the whole Number, as impanelled partially: Challenge to, or by the Poll, is where Exception is taken to any one or more, as not indifferent. Challenge to the Jurors is also divided into Challenge Principal, and Challenge for Cause, that is upon Cause or Reason. Challenge Principal, or peremptory, is that which the Law allows without Cause alledged, or Examination: As a Prisoner at the Bar, arraigned upon Felony, may peremptorily challenge to the Number of twenty, one after another, of the Jury impanelled upon him, not alledging any Cause at all, but his own Dislike, and they shall be discharged, and new put in to their Places: And this is in favour of Life. But in the Case of High Treason no peremptory Challenge is alledged. See 25 H.

Cestuy a que vie, & cestuy a que use.

CESTUY a que vie est il pur quel vie un autre reigne un Estate, & cestuy a que use est il que est un Feoffee pur le use de un autre.

Challenge.

Challenge est un Exception prise ou envers Persons ou Choses. Persons, come en un Assise, les Jurors, ou aucun un, ou plus de eux; ou en case de Felony, per le Prisoner al Barre vers Choses, come un Declaration. Vet. Nat. Brev. fol. 76.

Challenge fait a les Jurors est fait ou al Array, ou a les Polls. Challenge al Array est, ou Exception est prise al entire nombre, come impanel partialment: Challenge al ou per le Poll est, ou Exception est prise al aucun un ou plus, come nient indifferent. Challenge a les Jurors est auxy divide en Challenge principal, & Challenge per Cause, cest a dire, sur cause ou reason. Challenge principal, ou peremptory, est ceo que le Ley allow sans cause alledge, ou examination: come un Prisoner al Barr, arraine sur Felony, poit peremptoriment challenge al nombre de vint, un apres autre, del Jury impanel sur luy, nient alledgant dascun cause, mes son dislike demesne, & ils ferront discharge, & novels mise en leur lieux: Et ceo est *in favorem vite*. Mes en le case de hault Treason nul peremptory Challenge est allow. Vide 25 H. 8. cap. 3. Et

Et un difference poit estre observe perenter challenge principal & challenge peremptory, pur ceo que challenge peremptory semble solement d'estre use en choses criminal, & merement sans aucun cause alledge, puis que le sole phantasie del Prisoner, *Staundf. Pl. Co. f. 124.* & principal pur le griender part en civil Actions, & ove le nosment de aucun Exception, que esteant trove voyer, le Ley maintenant allowe. Come pur example, si aucun party dit que un des Jurors est le Fils, Frere, Cousin, ou Tenant al auter party, ou espouse son file, ceo est un bone & fort Exception, fil soit voyer, sans puis examination del credit del party challenge. Et de que large extent cest Challenge de Consanguinity est bien appierr, *Plow. fol. 435.* Auxy en le Plea del mort de aucun home, & en chescun Action real, & auxy en chescun Action personal, ou le Dett ou Damages amount al 40 Marks, il est bone Challenge al aucun del Jurie impanel, qui il ne poit dispender 40 s. per le An de son Franktenement demesne. *An. 11 H. 7. cap. 21.*

Challenge sur Reason ou cause est, quand le party alledge aucun tiel Exception vers un ou puis del Jurie, que n'est immediatement sufficient sur conusance del voiert de ceo, mes arbitrale & considerable per le residue de Jurors, come si le fils le Juror ad espouse le file del adverse party. Cest Challenge pur cause semble per *Kitch. f. 92.* d'estre dit Challenge pur favor; ou po-

8. cap. 3. And a difference may be observed between Challenge principal, and Challenge peremptory, because Challenge peremptory seems only to be used in Matters Criminal, and merely without any Cause alledged, more than only the Prisoner's fancy, *Staundf. Pl. Cor. fol. 124.* and principal for the most part in Civil Actions, and with the naming of some Exception, which being found true, the Law presently allows. As for example; if any Party saith that one of the Jurors is the Son, Brother, Cousin, or Tenant to the other Party, or married to his Daughter, this is a good and strong Exception, if it be true, without farther Examination of the Credit of the Party challenged. And of how large Extent this Challenge of Kindred is, does well appear in *Plow. fol. 425.* And in the Plea of the Death of any Man, and in every Action real, and also in every Action personal, where the Debt or Damages amounts to forty Marks, it is a good Challenge to any of the Jury impanelled, That he cannot dispense forty Shillings by the Year of his own Freehold. *An. 11 H. 7. cap. 21.*

Challenge upon Reason or Cause is, when the Party alleges any such Exception against one or more of the Jurors, which is not forthwith sufficient upon acknowledgment of the Truth thereof, but rather arbitral, and considerable by the rest of the Jurors; as if the Son of the Juror had married the Daughter of the adverse Party. This Challenge for Cause seems to be termed by *Kitch. f. 92.* Challenge for

favour;

labour; or rather Challenge for labour is there said to be a Species of Challenge by Cause: Where you may also read what Challenges are commonly accounted for Principal, and what not.

See The New Book of Entries, verbo Challenge, and Old. Nat. Brev. fol. 158, 159. Co Lit. 156, 157.

Chamberdekins.

Chamberdekins are Irish Beggars, which by the Statute of 1 H. 5. cap. 8. were by a certain Time, within the said Statute limited, to avoid this Land.

Champertie.

Champertie is a Writ that lies where two Men are impleading, and one gives the Half or Part of a Thing in Plea to a Stranger, to maintain him against the other; then the Party grieved shall have this Writ against the Stranger. And it seems that this hath been an ancient Grievance in our Realm: for notwithstanding divers Statutes, and a Form of a Writ framed unto them, yet Anno 4 E. 3. c. 11. it was enacted, That where the former Statutes provided Redress for this only in the King's Bench, which then followed the Court; it should be lawful for the Justices of the Common Pleas likewise, and Justices of Assise in their Circuits, to enquire, hear and determine these and such Cases, as well at the King's Suit, as at the Suit of the Party. Also it was ordained by the Statute of 33 H. 8. (which was confirmed by the Statute of 37 H. 8. c. 7.) That Justices of

tius Challenge per favor est la dit d'estre un *species* de Challenge per cause: Ou poies auxy lier queux Challenges sont communement account pur principal, & queux nemy.

Veies Le *Novel Livre de Entries, verbo Challenge, & Vet. Nat. Brev f. 158, 159. Co. Lit. 156, 157.*

Chamberdekins.

Chamberdekins sont Irish Beggars, que per le Statute de 1 H 5 c. 8. fueront per un certain temps, deins mesme le Statute exprefs, de avoid cest Terre.

Champertie.

Champertie est un Brief, que gist lou deux homes sont impleadants, & l'un done la moietie ou part del chose en plee a un estranger, pur luy maintenir encounter l'auter; donques le party grieve avera cest Brief devers l'estranger. Et semble que ceo ad este un ancient grievance en nostre Terre: Car nient obstant divers Statutes, & un forme de un Brief frame a ceux, uncore Anno 4 E. 3. c. 11. fuit enact, Que ou les primer Statutes provide redresse pur ceo seulement en Bank le Roy, que donques attend le Court, il serroit loyal pur les Justices del common Plees ensement & Justice de Assises en lour Circuits, de enquirer, oyer & determiner ceux & tiels Cases, cybien al Suit le Roy, come al Suit del party. Auxy fuit ordeigne per le Statute de 33 H. 8 (que fuit confirm per le Statute de 37 H. 8. c. 7.) Que Justices del

del Peace a lour Quarter Sessions averont authority de enquire, cybien per les serements de 12 homes, come per l'enformation done a eux per ascun Person ou Persons, des defaults, contemps & Offences commise encount' les Leys & Statutes fait & purview touchant Champerty, Maintenance, &c. & a oyer & determiner les dits faults & offences.

Champertors sont ceux que mova Plees & Suits, ou cause d'estre move per lour ou auters procurement, & sue a lour costages & charge demesne, pur aver part del Terre ou Gains en variance. Veies le Stat. *Articuli super chartas*, c. 11.

Chancemedley.

C*Hancemedley* est, quand un home sans ascun male entent fait un loyal chose, ou que n'est prohibit per Ley, & uncore auter est tue ou vient a son mort per ceo : si come home jet un pierre, que percusse home ou feme, que apres de ceo morust ; ou si home sagitte un fleich, & auter que passe est occide, & tiels semblables ; c'est man-
ner de occision est *Homicide* per misadventure, ou *Chancemedley*, pur que l' Offendor avera son pardon de course, come appiert, per le Statute de 6 E. 1. c. 9. & il forfeitera ses biens en tiel man-
ner come cestuy que tuera un home en son defence. Mes en ceo case est d'estre con-
sider, ou cestuy que commit cest *Homicide* per *Chancemedley* fuit en feafans de un loyal Chose : Car si l' Act

Peace at their Quarter Sessions should have Authority to enquire, as well by the Oaths of 12 Men, as by the Information given to them by any Person or Persons, of the Defaults, Contempts and Offences committed against the Laws and Statutes made and provided touching Champerty, Maintenance, &c. and to hear and determine the said Faults and Offences.

Champertors are they that make Pleas and Suits, or cause to be moved by their own or others Procurement, and sue them at their own Costs, to have part of the Lands or Gains in Variance. See the Stat. *Articuli super chartas*, cap. 11.

Chancemedley.

C*Hancemedley* is, when a Man without any evil Intent doth a lawful Thing, or that is not prohibited by Law, and yet another is slain or comes to his Death thereby : As if a Man casts a Stone, which hits a Man or Woman, who after dies thereof ; or if a Man shoots an Arrow, and another that passes by is killed, and such like ; this Manner of killing is Manslaughter by misadventure, or *Chancemedley*, for which the Offender shall have his Pardon of Course, as appears by the Statute of 6 E. 1. c. 9. and he shall forfeit his Goods in such Manner as he that kills a Man in his own Defence. But in this Case it is to be considered, whether he that commits this Manslaughter by *Chancemedley* was in doing a lawful Thing : For if the Act was unlawful, as to fight

fight at Batteries, or run at Tilt without the King's commandment, or cast Stones in a Highway where Men usually pass, or shoot Arrows in a Market-Place, or such like, whereby a Man is killed; in all these Cases it is Felony at least, that is Manslaughter, if not Murder; for the Offender being doing an unlawful Act of his own will, the Law shall construe his Meaning and Will herein by the Success of the Act.

As if two are fighting together, and a third Man comes to part them, and is killed by one of the two, without any Malice forethought, or evil Intent in him that killed the Man, yet this is Murder in him, and not Manslaughter by Chance-medley or Misadventure, because they two that fought together were in doing an unlawful Act. And if they were met with premeditated Malice, the one intending to kill the other, then it is Murder in them both.

Chancery.

CHancery is a Court of Law at Westminster for Suits for and against Attorneys, Clerks, and Officers of this Court; this Part of it, and also the Inrolments of Deeds and Patents, is of Record. And there is also a Court for Equity, and their Proceedings therein are entered in English, and the Lord Chancelor, or Keeper of the great Seal, and Master of the Rolls are Judges, and the Writs are returnable there

fuit illoyal, come a pugner al Barriers, ou curre a Tilt sans commandment le Roy, ou jett' pierres en un Hault voy ou homes usualment passe, ou sagitant fletches en un Market-lieu, ou tiels semblables, per que un home est occide; en tous ceux cases il est Felony al meins, cestascavoir, Homicide, sinon Murder; car l' Offendor esteant feasant de un illoyal act per son volunt demesne, le Ley construa son meaning en ceo per le succes del act.

Come si deux sont pugnants ensemble, & un tierce home vient a severer eux, & est occide per un de eux deux, sans aucun malice prepense, ou male entent en luy que occide le home, uncore ceo est Murder en luy, & nemy Homicide per Chance-medley ou Misadventure, pur ceo que ils deux que combaterent ensemble fueront en feasance de un illoyal act. Et si ils fueront assemble ove malice prepense, l'un intendant de occide l'autre, donque il est Murder en eux ambideux.

Chancery.

CHancery est un Court de Ley a Westminster pur Suits pur & envers Attornies, Clerks, & Officers, de cel Court; & ceo part de ceo, & auxy inrolments de Faits & Patents, est de Record. Et est auxy un Court pur Equity & leur Proceedings en ceo sont enter en Anglois, & le Seignior Chancellor, ou K-eper del grand Seal, & Master des Rolls sont Judges, & les Briefs sont returnable

coram Rege

Rege in Cancellaria. Coke 4. Inst. 78, 82.

coram Rege in Cancellaria. Coke 4 Inst. 78, 82.

Chancellor de Dutchy de Lancaſter.

Chancellor of the Dutchy of Lancaſter.

SON Office eſt principalment en ceſt Court a determiner tous Controversies enter le Roy & ſes Tenants de Dutchy Terres.

HIS Office is principally in this Court to determine all Controversies between the King and his Tenants of the Dutchy Lands.

Chapelry.

Chapelry, Capellania, eſt le meſme choſe al un Chapel, come un Pariſh eſt al un Eſgliſe. Veies *Stat. 14 Car. 2. cap. 9.*

Chapelry.

Chapelry, Capellania, is the ſame thing to a Chapel, as a Pariſh is to a Church. See *Stat. 14 Car. 2. cap. 9.*

Chapiter.

Chapiter eſt un Summarie ou Content de tous tiels choſes que ſont d'eſtre enquire devant Juſtices en Eyre, Juſtices de Aſſiſe, ou del Peace en lour Sessions: Ilſint eſt uſe 3 E. 1. cap. 27. en ceux parols, Et que nul Clerk d'aucun Juſtice, Eſcheator, ou Commiſſioner en Eyre, prendre aucun choſe pur delivery de Chapiters, mes ſolement Clerks de Juſtices en lour Circuits; & enſement 13 E. 1. cap. 10. en ceux parols, Et quand le temps vient, le Vicount certifiera les Chapiters devant les Juſtices en Eyre quel nombre des Briefs il ad. Auxy *Britton* en meſme ſignification uſe ceſt parol, cap. 3. Et a ceſt jour Chapiters ſont appellees Articles, pur le greind' part, & ſont deliver cy-bien per la bouche del Juſtice en ſon Charge, come per les Clerks en eſcript, al Enqueſt, ou en ancien temps ils fueront (apres un Exhortation

Chapiter.

Chapiter is a Summary of Content of all ſuch Matters as are enquirable before Juſtices in Eyre, Juſtices of Aſſiſe, or of the Peace in their Sessions: So it is uſed 3 E. 1. cap. 27. in theſe Words, And that no Clerk of any Juſtice, Eſcheator, or Commiſſioner in Eyre, ſhall take any Thing for delivery of Chapiters, but only Clerks of Juſtices in their Circuits; and likewiſe 13 E. 1. cap. 10. in theſe Words, And when the Time comes, the Sheriff ſhall certify the Chapiters before the Juſtices in Eyre how many Writs he hath. Alſo *Britton* uſes it in the ſame Signification, cap. 3. And at this Day Chapiters are called Articles, for the moſt part, and are delivered as well by the Mouth of the Juſtice in his Charge, as by the Clerks in Writing, to the Inqueſt, where in ancient Time they were (after an Exhortation given by the Juſt

Justices, for the good Observation of the Laws and of the King's Peace) first read distinctly and openly in the full Court, and then delibered in writing to the grand Inquest. An Example of these Chapters there is in the Book of Assises, fol. 138. pla. 44.

done per les Justices pur le bone observation del Leys & Peace del Roy) primerment lie distinctment & apertment en le plein Court, & donque deliver en escript al grand Enquest. Un exemple de ceux Chapters la est en le Livre de Assises, fol. 138. pla. 44.

Chaplain.

Chaplain is he that performs Divine Service in a Chapel, and therefore is commonly used for him that depends upon the King or other Man of worth, for the Instruction of him and his Family, the reading of Prayers, and preaching in his private House, where usually they have a Chapel for that purpose.

And for that they are retained by Letters under the Seal of their Patrons, and thereby by Intendment are to be resident with them, the Law hath given Liberty for their Non-residency upon their Benefices.

If an Earl or Baron retains a Chaplain, and before his Advancement is attained of Treason, there the Retainer is determined, and after the Attainder such Chaplain cannot take a second Benefice, because he that is attainted is by his Attainder a dead Person in Law. What, and how many Chaplains Noblemen and others may respectively retain, the Statute of 21 H. 8. c. 13. doth well declare,

Chaplain.

Chaplain est celuy que fait Divine Service en un Chapel, & pur ceo est communement use pur celuy que depend sur le Roy ou auter home de qualite, pur l' instruction de luy & son Famille, le lection de Orisons & Sermons en son private meason, ou communement ils ont un Chapel pur cel purpose.

Et pur ceo que ils sont reteine per Letters desouth le Signet de leur Patrons, & per ceo sont per entendment destre resiant ove eux, le Ley ad done libertie pur leur Non-resiance sur leur Benefices.

Si un Count ou Baron reiteigne un Chapleyn, & devant son advancement soit attain de Treason, la le Reteigner est determine, & apres l' Attainder tiel Chapleyn ne poit accept un second Benefice, pur ceo que cestuy que est attain est per son Attainder un mort person en Ley. Et queux persons de Nobilitie & auters poient reiteiner, & quant Chapleins ils severalment poyent reteine, l' Act de 21 H. 8. c. 13. bien declare.

La feme de un Baron durant le Coverture ne poit reteigne un Chapleyn, uncore quand un Baronnesse dotate reteigne un ou deux, solonque le Provifo del dit Act, cest reteigner est le principal matter, & cy longe come le Reteigner est en force, & le Baronnesse continue un Baronnesse, les Chapleins bien poyent accept' deux Benefices per l'expresse letter del Act; car il suffist, si al temps del Reteigner le Baronnesse fuit Widow. Et en ceo cest rule est destre extend de un feme que atteigne Nobilitie per Marriage, come per Marriage de un Duke, Count, ou Baron, &c. car en tiel case, si el apres marrie desouth le degree de Nobilitie, per tiel Marriage el perde le dignitie a que el ad attaine, & apres tiel darreigne Marriage le poyar de reteiner un Chapleyn est detetermine. Mes autrement est ou feme est Noble per Discent, car la sa Reteigner devant ou apres le Marriage ove un que est ignoble serra en force, & nemy countermaund per le Marriage, ne determine per sa prisel de un Baron desouth sa degree. *Coke, lib. 4. f.l. 118, 119.*

Chapter.

CHapter en Latine est define destre Congregation' *Clericorum in Ecclesia Cathedrali, conventuali, regulari, vel Collegiata*; & en auter signification, *Locum in quo fiunt communes tractatus Collegiatorum*: & il ad auters significations que ne pas appent a

The Wife of a Baron during the Coverture cannot retain a Chaplain; yet when a Baroness Dowager retains one or two, according to the Provifo of the said Statute, the Retainer is the principal Matter, and as long as the Retainer is in Force, and the Baroness continues a Baroness, the Chaplains may well take two Benefices by the express Letter of the Statute; for it suffices, if at the Time of the Retainer the Baroness were a Widow. And herein this Rule is to be observed of a Woman that attains Nobility by Marriage, as by Marriage of a Duke, Earl, or Baron, &c. for in such Case, if she afterward marry under the Degree of Nobility, by such Marriage she loses the Dignity she had attained, and after such latter Marriage the Power to retain a Chaplain is determined. But otherwise it is where a Woman is Noble by Descent, for there her Retainer before or after the Marriage with one that is not Noble shall be in Force, and is not countermanded by the Marriage, nor determined by her taking a Husband under her Degree. *Coke, lib. 4. fol. 118, 119.*

Chapter.

CHapter in Latin is defined to be An Assembly of Clerks in a Church Cathedral, conventual, regular, or Collegiate; and in another Signification, A Place wherein the Members of that Community treat of their common Affairs: And it hath other Significations which appertain not

not to our Purpose. It may be said that this collegiate Company is termed Chapter metaphorically, the Word originally implying a little Head; for this Company or Corporation is as a Head, not only to rule and govern the Diocess in the Vacation of the Bishoprick, but also in many things to advise the Bishop when the See is full.

Charge.

Charge is where a Man grants a Rent issuing out of his Land, and that, if the Rent be behind, it shall be lawful for him, his Heirs and Assignes, to distrain till the Rent be paid: this is called a Rent-charge. But if one grant a Rent-charge out of the Land of another, though after he purchase the Land, yet the Grant is void.

Charta Pardonationis se defendendo.

THIS is a Form of Pardon for killing another Man in his own Defence. Reg. Orig. fol. 287.

Charter-Land.

Charter-Land is such as a Man holds by Charter, that is, by Evidence in writing, which otherwise is called Freehold. Copyhold-Lands before the Conquest were by the Saxons called Folkland, and the Charter-lands Bockland. And Lambard in his Explication of Saxon Words, saith, That this Land was held with more easie and commodious Conditions, than Folkland and Copyhold-Land held without wri-

nostre purpose. Poit estre dit que cest collegiate Society est appel Chapter, metaphoricque, le parol originalment impliont un petit Teste; car cest Society ou Corporation est sicome un Teste, non seulement a garde & gouverne le Diocesse en le vacation del Evesquery, mes auxy en plusors choses de adviser l'Evesque quand le See est pleine.

Charge.

Charge est lou un home granta un Rent issuant hors de son terre, & que, si le Rent soit arere, il ferra loyal a luy, ses Heirs & Assigns, a distreine tanque le Rent soit pay: c'est appel un Rent-charge, Mes si un grant un Rent-charge hors del terre de un autre, coment puis il purchase la terre, uncore le Grant est void.

Charta Pardonationis se defendendo.

CEO est un form de Pardon pur tuer de un autre home en son defence de meisme. Reg. Orig. fol. 287.

Charter-terre.

Charter-terre est tiel que home tient per Charter, c'est adire per Evidence en escript, que autrement est appel Franktenement. Copihold terres devant le Conquest fueront per les Saxons appel Folkland, & les Charter-terres, Bockland. Et Lambard, en son Explication de Saxon parols, dit, Que cest terre fuit tenuus ove plus facile & commodious conditions que Folkland ou Copihold

terre tenus sans Escrypt: Et son reason est, pur ceo que il est un frank & immune Inheritance, ou terre sans escrypt est charge ove payments & servitude; issint que le greind' part de homes de Nobilitie & bone Qualitie possèdent le primer, l'auter Rustick homes. Le primer nous appellomus Franktenement, & per Charter; l'auter, Terre al volunt del Seignior.

Si Riot, Rout, ou illoyal Assemble soit commise, donques per le Act de 19 H. 7. cap. 13. vint homes inhabitant deins le County ou le Riot, &c. est fait (de que chescun de eux avera Terres & Tenements deins mesme le County al annuel value de vint soulz de Charterhold ou Franktenement, ou vint & siz soulz de Copihold) ferront enquiry de ceo.

Charter-party.

CHarter-party est un Indenture des Covenants & Agreements faits enter Merchants ou Mariners touchant leur maritime affairs: & de ceo poyes lier en le Statute, ore obsolete, fait 32 H. 8. cap. 14.

Charters.

CHarters de Terres sont Escrypts, Faits, Evidences & Instruments, fait de un home al autre, sur ascun Estate conveyed ou passed perenter eux de Terres ou Tenements, monstrant les nosmes, lieu, & quantite del Terre, le Estate, temps & manner del feasant de ycel, les Parties a l'Estate, deliver

ting: And his Reason is, because it is a free and absolute Inheritance; whereas Land without Writing is charged with Payment and Bondage; so that for the most Part Noblemen and Persons of Quality possess the former, and Rusticks the other. The first we call Freehold and by Charter: The other, Land at the Will of the Lord.

If a Riot, Rout, or unlawful Assembly be committed, then by the Statute of 19 H. 7. c. 13. twenty Men inhabiting within the County where the Riot, &c. is made (whereof every of them shall have Lands and Tenements within the same County to the yearly Value of twenty Shillings of Charterhold or Freehold, or twenty-six Shillings of Copphold) shall make Enquiry thereof.

Charter-party.

CHarter-party is an Indenture of Covenants and Agreements made between Merchants or Mariners concerning their Sea-affairs: and of this you may read in the Statute, now out of Use, made 32 H. 8. cap. 14.

Charters.

CHarters of Lands are Writings, Deeds, Evidences, and Instruments, made from one Man to another, upon some Estate conveyed or passed between them of Lands or Tenements, shewing the Names, Place, and Quantity of the Land, the Estate, Time, and Manner of the doing thereof, the Parties to the Estate, delivered and taken,

hen, the Witnesses present at the same, with other Circumstances.

Chartis reddendis.

CHARTIS reddendis is a Writ which lies against him that has Charters of Feoffment delivered him to be kept, and refuses to deliver them. Old Nat. Brev. fol. 66. Reg. Orig. fol. 159.

Chase.

CHASE is taken two Ways: first, to drive Cattel, as to chase a Distress to a Castle; secondly, for a Receipt for Deer and Beasts of the Forest; and it is of a middle Nature between a Forest and a Park, being commonly less than a Forest, and not endued with so many Liberties, as with Courts of Attachment, Swainmote, and Justice Seat; and yet of a larger Compass, and having greater Diversity of Keepers and Game than a Park. Crompt. in his Book of Jurisdictions, fol. 148. saith, That a Forest may not be in the Hands of a Subject, but it presently loses the Name, and becomes a Chase; and yet fol. 197. he saith, That a Subject may be Lord and Owner of a Forest; which though they seem contradictory, yet are both his Sayings in some Sense true: For the King may give or alienate a Forest to a Subject, yet so, that when it is once in the Subject, it loses the true Property of a Forest, because the Courts of Swainmote, Justice-Seat and Attachment, presently vanish,

& prise, les Tesmoignes present al ceo, ove auters circumstances.

Chartis reddendis.

CHARTIS reddendis est un Brief que gist envers luy que ad Charters del Feoffment delivered al luy pur conserve, & il refuse deliver ceux. Veil Nat. Brev. fol. 66. Reg. Orig. fol. 159.

Chase.

CHASE est prise deuz voyes: primerment, a driver Cattel, sicome a chaser un distress a un Fortlet; secondement, est use pur un Receipt pur Dames & Avers del Forest: & est dun nature parent' un Forest & un Park, esteant communement meins que un Forest, & nemy endow ove tous Liberties, come ove Courts de Attachment, Swainmote, & Justice Seat; & uncore dun pluis large compass, & ayant pluis diversite del Gardians & Game que un Park. Crompt. en son Livre de Jurisdictions, fol. 148 dit, Que un Forest ne poit estre en les maines dun Subject, mes il immediatement perde le nosme & devient un Chase: & uncore fol. 197. il dit, Que un Subject poit estre Seign' & owner dun Forest; le quels nient obstant que semble contrary, uncore sont ambideux ses disants en ascun sensse voyer; car le Roy poit done ou aliener un Forest a un Subject, uncore issint que quand il est un foits en le Subject, il perde le voyer propertie dun Forest, pur ceo que les Courts de Swainmote, Justice Seat & Attachment immediatement vanie, nul e-

An Exposition of

steant able de faire un Seign' chief Justice en Eyre del Forest lorsque le Roy, sicome *Manwood* ad bien monstre en son Livre de *Forest Laws* c. 3. & 4. Uncore poit estre grantus en tiel large manner, que la poit estre *Attachment* & *Swainmote*, & un Court equivalent a un *Justice Seat*, come appiert per lui en mesme le Chapter, num. 3. Ilint que un Chase differt de un Forest en ceo, pur ceo que poit estre en les maines dun Subject, que un Forest en son proper & voyer nature ne poit estre; & de un Park en ceo, que nest inclose, & ad non solement un pluis large compas, & pluis store de Game, mes de Gardians auxy & Supervisors. Vide *Forest*.

Chatels.

CHatels. Veies *Catals*.

Chauntry.

CHauntry, *Cantaria*, est un Eglise ou Chapel endow ove terres ou auter annual Revenews pur le Maintenance dun ou plusors Priests, de chaunter Masse de jour en jour pur les Ames des Donors, & tiels auters que ils appoint. Et de ceux poyes lier en les Statutes 37 H. 8. c. 4. & 1 E. 6. c. 14.

Chevage.

CHivage est un sum de argent pay per Villeins a leur Seign' en conusans de leur Villenage, le quel *Bract* l. 1. c. 10. ilint define en Latin; *Chevagium dicitur recognitio in*

none being able to make a Lord Chief Justice in Eyre of the Forest but the King, as *Manwood* hath well shewed, in his Book of Forest Laws, cap. 3. & 4. Bet it may be granted in such large Banner, that there may be Attachment and Swainmote, and a Court equivalent to a Justice-Seat, as appears by him in the same Chapter, num. 3. So that a Chase differs from a Forest in this, because it may be in the Hands of a Subject, which a Forest, in its proper and true Nature, cannot be; and from a Park in this, that it is not inclosed, and hath not only a larger Compass, and more store of Game, but of Keepers also and Overseers. See *Forest*.

Chatels.

CHatels. See *Catals*.

Chauntry.

CHauntry is a Church or Chapel endowed with Lands or other yearly Revenues for the Maintenance of one or more Priests, to sing Mass daily for the Souls of the Donors, and such others as they appoint. And of these you may read in the Statutes made 37 H. 8. c. 4. & 1 E. 6. cap. 14.

Chevage.

CHevage is a Sum of Money paid by Villains to their Lords in acknowledgment of their Slavery, which *Bract*, lib. 1. cap. 10. thus defines; *Chevagium dicitur recognitio in signum*

signum subjectionis & domini de capite suo. It seems also to be used for a Sum of Money given by one Man to another of Power and might for his Avowment, Maintenance and Protection, as to their Head and Leader. Lambard writes it Chivage, or rather Chiefage.

signum subjectionis & domini de capite suo. Semble auxy destre use pur un somme de argent done per un home al auter de poyer & potentia pur son avowment, maintenance & protection, sicome a leur Teste ou Conductor. Lambard ceo escrie *Chivage*, ou potius *Chiefage*.

Chevisance.

Chevisance comes from the French Word *Chevir*, that is, to come to the End of Head of a Business. And because the perfecting of a Bargain is the drawing of the Matter to the Head, this Word Chevisance is used for bargaining in the Statutes of 37 H. 8. cap. 9. & 13. Eliz. cap. 7 & 8.

Chevisance.

Chevisance venust del parol François *Chevir*, id est, devener al Chief de quelque chose. Et pur ceo que le perfection dun Bargaine est le porter del matter al fine, ceo parol *Chevisance* est use pur Bargainer en le Statutes 37 H. 8. cap. 9. & 13. Eliz. cap. 7 & 8.

Childwit.

Childwit, that is, that you may take a Fine of your Bondwoman, defiled and gotten with Child without your Licence.

Childwit.

Childwit, hoc est, quod capitis Gersumam de nativitate vestra, corrupta & pregnata sine licentia vestra.

Chimin.

Chimin is the Highway where every Man goes, which is called *Via Regia*; and yet the King hath no other Thing there but the Passage for him and his People; for the Freehold is in the Lord of the Soil, and the Profits growing there, as Trees and other Things. And it is divided into two Sorts, the King's Way, of which is spoken before, and a Private Way, or Private Passage; and this is the Way by which one Man or more have liberty to pass, either by Prescription, or by Writing, through the Land of another: And this is divided into a

Chimin.

Chimin est le Haut-voy ou chescun home passa, que est appel *Via Regia*; & uncore le Roy nad auter chose la forsque le passage pur luy & son People; car le Franktenement est en le Seignior del soile, & tout les Profits creffans la, come Arbres & auters choses. Et ceo est divide en deux sorts, *Via Regia*, de que est parle devant, & *Via privata*, ou *Chiminus privatus*; & ceo est un Voy per que un home ou pluis ont libertie a passer ou per prescription, ou per charter, sur le terre dun auter home: & ceo est divide en Chimin

en gros, & Chimin appendant, Kitch. fol. 177. *Chimin en gros*, est ceo Voy que home tient principalment & solement en luy mesme: *Chimin appendant* est ceo que home ad adjoine a ascun aut' chose, come appertenant a ceo; pur exemple, si home prist un Close ou Pasture, & ad covenant pur ingresse & egress, al & de mesme le dit Close, per ascun auter terre, per que auterment il ne poit passer. Ou Chimin en grosse poit estre ceo que les Civilians appel Personal; come quand un covenant pur un voy sur le terre d'un auter home pur luy mesme & ses Heirs: Chimin appendant, e converso, poit estre ceo que ils appel Real; sicome quand home purchase un voy per le soile d'un auter home, pur tiels que inhabitont ou inhabiteront en cest ou c'est meason, ou que sont les Owners de tiel Manor, a tous jours.

Chiminage.

Chiminage est un Toll dome pur passage per un Forest, en disturbance des Feres del Forest.

Chirographer.

Chirographer est celuy que en le Office del common Bank engrosse Fines conus en cest Court, en un perpetual Record, (puis que ils sont conus & pleinment passe per ceux Offic'ers per queux ils sont primerment examine) & que escrie & deliver les Indentures, un pur le Purchasor, & auter pur le Vendor, & fait un auter Escrow

May in Gross, and a Way appendant, Kitch. fol. 177. *Chimin in gros*, is that May which a Man holds principally and solely in it self: *Chimin appendant* is that which a Man hath adjoined to some other Thing, as appertaining thereunto; for example, If a Man hires a Close or Pasture, and hath a Covenant for ingress and egress, to and from the said Close, through the Ground of some other, through which otherwise he might not pass. Or a May in Gross may be that which the Civilians call Personal; as when one covenants for a Way through the Ground of another Man for himself and his Heirs: A Way appendant on the other Side, may be that which they call Real, as when a Man purchases a Way through the Ground of another Man, for such as do or shall dwell in this or that House, or that are the Owners of such a Manor, for ever.

Chiminage.

Chiminage is a Toll paid for a Man's passage through a Forest, to the Disquiet of the wild Beasts of the Forest.

Chirographer.

Chirographer is he that in the Common Bench Office, ingrosses Fines acknowledged in that Court into a perpetual Record, (after they are acknowledged and fully passed by those Officers by whom they are first examined) and that writes and delivers the Indentures, one for the Buyer, and another for him that sells; and makes another indented Piece, containing also

also the Effect of the Fine, which he delivers over to the Custos Brevium, which is called the Foot of the Fine. The Chirographer also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statutes, and then repairing to the Office of the Custos Brevium, there endorses the Proclamations upon the Backside of the Foot thereof, and always keeps the Wit of Covenant, as also the Note of the Fine.

Chivage.

CHivage. See Chovage.

Chivalry.

CHivalry is a Tenure of Land by Knight's-service: For the better understanding whereof it is to be known, that there is no Land but is held mediately or immediately of the Crown by some Service or other; and therefore all our Freeholds that are to us and our Heirs are called Fees, as proceeding from the Bounty of the King for some small yearly Rent, and the Performance of such Services as originally were imposed upon the Land at the giving thereof: For as the King gave to his Nobles, his immediate Tenants, great Possessions for ever, to hold of him for such or such Rent and Service; so they again in Time parcelled out, to such as pleased them, their Lands so received of the King's Bounty, for such Rents and Services as to them seemed good. And these Services

endented, contenant auxy le effect del Fine, que il deliver ouster al *Custos Brevium*, que est appel le Pee del Fine. Le Chirographer auxy, ou son Deputy, proclame tous les Fines en le Court chescun Term, accordant al Statute, & donques en alant al Office del *Custos Brevium* la endorse les Proclamations sur le dorse del Pee de ceo, & tous foits retaine le Brief de Covenant, come auxy le Note del Fine.

Chivage.

CHivage. Veies Chovage.

Chivalrie.

CHivalrie est un Tenure de terre per service de Chivaler: pur le mieux intelligence de que est d'estre connus, que la n'est aucun terre mes il est tenus mediatement ou immediatement del Corone per aucun Service ou autre; & pur ceo tous nostre Franktenements que sont a nous & a nostre Heires sont appel Fees, come ensuants de le bountie del Roy pur petit annual Rent, & le performance de tiels services que originalment fueront impose sur le terre al donation de ceo: Car sicome le Roy done a ses Nobles, ses immediate Tenants, graund Possessions a tous jours, a tener de luy pur celuy ou tiel Rent & Service; issint ils arent en temps divide ouster, a tiels que pleist a eux, lour terres issint receive del bountie le Roy, pur Rents & Services come a eux semble bien. Et

ceux

ceux Services sont tous per *Littleton* divide en deux sorts, *Chivalrie & Socage*; l'un Martial & Militarie, le autre Rural & Rustical.

Chivalrie pur ceo est un Tenure per que le Tenant est lie a performer ascun Noble ou Militarie Office a son Seignior; & est de deux sorts, ou Regal, c'estascavoir, tiel que poit estre tenus solement del Roy, ou tiel que poit auxy estre tenus d'un common Person cybien come del Roy. Ceo que poit estre tenus solement del Roy, est properment appel *Servitium* ou *Serjeantia*, & est auxy arere divide en *Grand & Petit Serjeantie*. *Grand Serjeantie* est ceo, ou home tient terres del Roy per service que il devoit fair en son person demesne, come a porter le Banner le Roy ou son Lance, ou de amesner son Hoast, ou d'estre son Marshal, ou a ventier un Cornu quand il vuet ses Enemies invade le Terre, ou de trover un home array de pugne deins le quater Meres, ou de fair ceo luy mesme, ou de port l'Espe le Roy devant luy a son Coronation, ou a cet jour d'estre son Sewer, Carver, Butler, ou Chamberlain.

Petit Serjeantie est, ou un home tient terre del Roy de render a luy annuellement un Arc, un Espee, un Dagger, un Cuttel, un Launce, un paire de Gants de ferre, un paire de Spors de ore, ou de render auters tiels petit choses touchant le Guerre.

are all by *Littleton* divided into two *Serpts*, *Chivalry* and *Socage*; the one Martial and Military; the other Clownish and Rustical.

Chivalry is therefore a Tenure whereby the Tenant is bound to perform some Noble or Military Office to his Lord; and is of two kinds, either Regal, that is, such as may be held only of the King, or such as may also be held of a Common Person as well as of the King. That which may be held only of the King is properly called *Servitium* or *Serjeantia*, and is also again divided into *Grand* and *Petit Serjeanty*. *Grand Serjeanty* is that, where a Man holds Lands of the King by Service which he ought to do in his own Person, as to carry the King's Banner or his Spear, to lead his Army, to be his Marshal, to blow a Horn when he sees his Enemies invade the Land, or to find an armed Man to fight within the four Seas, or to do it himself, or to carry the King's Sword before him at his Coronation, or at that Day to be his Sewer, Carver, Butler, or Chamberlain.

Petit Serjeanty is, where a Man holds Land of the King to pay him yearly a Bow, a Sword, a Dagger, a Knife, a Spear, a pair of Globes of Mail, a pair of Spurs of Gold, or to give such other small Things concerning the War.

Chivalry that may hold of a Common Person as well as of the King is called *Escuage*, Service of the Shield; and this is either uncertain, or certain. *Escuage* uncertain is also of two kinds; First, where the Tenant by his Tenure is bound to follow his Lord going in Person to the King's Wars against his Enemies, either himself, or to send a sufficient Man in his Place, there to be maintained at his Costs so many Days as were agreed upon between the Lord and his Tenant at the granting of the Fee. And the Days of such Service seem to have been rated by the Quantity of the Land so held: As if it extends to a whole Knight's Fee, then the Tenant was bound so to attend his Lord 40 Days; and a Knight's Fee was so much Land as in those Days was accounted a sufficient Living for a Knight, and this was 680 Acres, by the Opinion of some, or 800, as others think; or 15 Pounds by the Year. Camden's Brit. fol. 110. If the Land extends but to the Moiety of a Knight's Fee, then the Tenant is bound to follow his Lord but 20 Days; if to a 4th Part, then 10 Days. Fitz. Nat. Brev. fol. 83. c. & 84. c. e. The other kind of *Escuage* uncertain is called *Castleward*. Where the Tenant by his Land is bound, either by himself or some other, to defend a Castle as often as it shall come to his turn.

Escuage certain is, where the Tenant is assailed to a certain Sum of Money to be paid in stead of such uncertain Service; as that a Man shall pay yearly

Chivalrie que poit tener de un common Person cybien come del Roy est appel *Escuage*, *Servitium scuti*; & c'est ou uncertain, ou certain. *Escuage* uncertain est auxy de deux sorts; primerment, ou le Tenant per son Tenure est lie de attendre son Seignior allant en person al guerres le Roy envers ses Enemies, ou luy mesme, ou mitter un sufficient home en son lieu, la d'estre maintain a ses costs tants des jours come fuer agree perent' le Seignior & son primer Tenant al grant' del Fee. Et les jours de tiel service semble d'estre assesse per le quantity del terre issint tenus: Come si ceo extend a un entiere Fee de Chivaler, donque le Tenant fuit lie issint de attendre son Seignior 40 jours; & un Fee de Chivaler fuit tant de terre come en ceux jours fuit account un sufficient viver pur un Chivaler, & ceo fuit 680 Acres, per l'opinion de ascun, ou 800 come auters semblont, ou 15 livers per l'an. Camden Brit. fol. 110. Si le terre extende forsque al moiety de un Fee de Chivaler, donque le Tenant est lie de attend son Seignior mes 20 jours; si a un quart part donque 10 jours, Fitz. Nat. Brev. fol. 83. c. & 84. c. e. L'auter kind de *Escuage* uncertain est appel *Castle guard*, ou le Tenant per son terre est lie, ou per luy mesme ou per ascun aut', a defender un Castle si tost come avenera a son course.

Escuage certain est, ou le Tenant est assesse a un certain sum de argent d'estre pay en lieu de tiel uncertain service; come que un home payera annualment

ment pur un Fee Chivaler 20 s. pur le moiety 10 s. ou ascun tiel rate. Et cest Service, pur ceo que est trahe a un certain Rent, vient d'estre de un mixt nature, nient merement Socage; car ne oler pas del Carue; & uncore Socage en effect, estant jammes neque personal Service, neque uncertain. Chivalrie ad auters conditions annexe a ceo; come Homage, Fealty, Gardship, Reliefe, & Marriage, *Bract* l. 2. c. 35. & que ils signifie veies en lour several lieus. Chivalrie est ou general, ou special, *Dyer* f. 161. *pla.* 47. General semble d'estre, ou est solement dit en le Feoffment, que le Tenant tient *per Servitium militare*, sans ascun specification de Serjeantie, Escuage, &c. Special est ceo que est declare particulièrement per quel kind de service de Chivalrie il tient. Veies le Statute, 12 Car. 2. c. 24.

Chose en Action.

C*hose en Action* est, quand un home ad cause, ou poit porter un Action pur ascun duty due a luy; come un Action de Dett sur un Obligation, Annuite, ou Rent, Action de Covenant, ou Gard, Trespass des biens import, Battery, ou tielx semblable: Et pur ceo que ils sont chose de queux un home n'est possesse, mes pur recoverie de eux est mis a son Action, ils sont appellees *Choses en Action*. Et ceux Choses en Action que sont certain, le Roy poit graunter & le Grantee poit user un Action pur eux en son nosme demesne solement: Mes un common person ne poit

for a Knight's Fee 20 Shillings, for the half, 10 Shillings, or any such Rate. And this Service, because it is drawn to a certain Rent, comes to be of a mixt Nature, not merely Socage; for it smells not of the Plow; and yet Socage in Effect, being now neither personal Service, nor uncertain. Chivalry hath other Conditions annexed therunto; as Homage, Fealty, Wardship, Relief, and Marriage, *Bract* l. 2. c. 35. and what they signifie see in their several Places. Chivalry is either general, or special, *Dyer* fol. 161. *pla.* 47. General seems to be, where it is only said in the Feoffment, that the Tenant holds by Knight's-service, without any Specification of Serjeanty, Escuage, &c. Special is that which is declared particularly what kind of Knight's-service he holds by. See the Statute 12 Car. 2. c. 24.

Thing in Action.

Thing in Action is, when a Man hath Cause, or may bring an Action for some Duty due to him; as an Action of Debt upon an Obligation, Annuity, or Rent, Action of Covenant, or Ward, Trespass of Goods taken away, Beating, or such like: And because they are Things whereof a Man is not possessed, but for Recovery of them is given to his Action, they are called Things in Action. And those Things in Action that are certain the King may grant, and the Grantee may have an Action for them in his own Name only: But a Common Person cannot grant his Thing

Thing in Action, nor the King himself his Thing in Action, which is uncertain, as Trespass and such like.

But of late Times it is used in London, that Merchants and others there, who have Bills without Seals for Payment of Money, assign them to others, who bring Actions in their own Names.

Churchesset.

Churchesset is a Word whereof Flet. l. 1. c. 47. in the End thus writes: It signifies a certain Measure of Wheat, which in Times past every Man on St. Martin's Day gave to Holy Church, as well in the Time of the Britains as of the English. Yet many great Persons, after the coming of the Romans, gave that Contribution, according to the ancient Law of Moses, in the Name of the First-Fruits, as in the Brief of King Kanutus sent unto the Pope is contained; in which they call the Contribution *Churchesed*, as one would say, Church-feed.

Churchwardens.

Churchwardens are Officers yearly chosen by the Consent of the Minister and the Parishioners, according to the Custom of every several Place, to see to the Church, Churchyard, and such Things as belong to both, and to observe the Behaviour of the Parishioners, for such Crimes as appertain to the Jurisdiction or Censure of the Ecclesiastical Court. These are a kind of Corporation, and are enabled by Law to sue for any Thing

graut son chose en Action, ne le Roy luy mesme son chose en Action, quel est uncertain, come Trespass, & tiels semblables.

Mes de tardiffe temps est use en Londre que Merchants & auters les queux ont Bills sans Seals pur payment de Argent eux assigner al auters, queux assignes porteront Actions en leur nosmes demesnes.

Churchesset.

Churchesset est un parol de que Flet. l. 1. c. 47. en le fine illint escrie: *Certam Mensuram bladi tritici significat, quam quilibet olim Sancta Ecclesie die S. Martini, tempore tam Britonum quam Anglorum, contribuerunt. Plures tamen Magnates, post Romanorum adventum, illam Contributionem, secundum vet. Legem Moyfi, nomine Primitiarum dabant, prout in Breui Regis Kaputi ad summum Pontificem transmissio continetur; in qua illam Contributionem Churchesed appellant, quasi Semen Ecclesie.*

Gardians d'Esglise.

Gardians d'Esglise sont Officers annualment e'est per le consent del Minister & les Parochians, accordant al custom de chescun several lieu, a veier al Esglise, Cimiter, & tiels choses queux appent al ambideux, & de observer le gesture des Parochians, pur tiels crimes que appertain al Jurisdiction ou Censure del Court Ecclesiastical. Ceux sont un kind de Corporation, & sont enable per Ley de fuer pur ascun chose

chose apperteignant a leur Eglise, ou les Povers del Paroche. Veies *Lambard del Dutie des Gardians del Eglise.*

belonging to their Church, or the Poor of the Parish. See *Lambard's Duty of Churchwardens.*

Cinque Ports.

C*inque Ports* sont cinque Haven-villes, cestascavoir, *Hastings, Romney, Hythe, Dover, & Sandwich*, a queux ad este grant long temps passe mult Liberties (que auters Port-villes nont,) & ceo primerment en le temps del Roy *Edward* appel le Confessor; & fueront encrease apres, & ceo especialment en les jours del troys *Edwards*, le primer, second, & le tierce, come appiert en le livre de *Domesday* & auter vieux Monuments, trop long de recite.

Veies *Gardein des Cinque-Ports*, & *Stat. 32 Hen. 8. cap. 48. & 4 Inst. fol. 222.*

Circuitie de Action.

C*ircuitie de Action* est, quand un Action est droitu- relment port pur un Dutie, mes uncore circum le bush, come semble, pur ceo que poet cy-bien estre auterment respon- due & determine, & le Suit fave: Et pur ceo que mesme l' Action fuit pluis que besoigne. il est appel *Circuitie de Action*, come si un home grant un Rent-charge de x l. hors de son Manor de *Dale*, apres le Grantee disseisin le Gran- tor de mesme le Manor, & il port un Affise, & recover le Terre, & xx l. Damages, le quel xx l. esteant pay, le Grantee del Rent sue son Action pur x l. de son Rent due durant le temps de le Disseisin,

Cinque-Ports.

C*inque-Ports* are five Haven Towns, that is, *Hastings, Romney, Hythe, Dover, and Sandwich*, to which have been granted long Time since many Liberties (which other Ports Towns have not,) and that first in the Time of King *Edward the Confessor*; which have been increased since, and that chiefly in the Days of the thre *Edwards*, the first, the second, and third, as appears in *Domesday Book*, and other old Monuments, too long to recite.

See *Warden of the Cinque-Ports*, and the *Stat. 32 Hen. 8. cap. 48. and 4 Inst. fol. 222.*

Circuitie of Action.

C*ircuitie of Action* is, when an Action is rightfully brought for a Duty, but yet about the Bush, as it were, for that it might as well have been other- wise answered and determined, and the Suit saved: And be- cause the same Action was more than needful, it is called *Cir- cuity of Action*. As if a Man grant a Rent-charge of x li. out of his Manor of *Dale*, and af- ter the Grantee disseises the Grantor of the same Manor, and he brings an Affise, and recovers the Land, and xx li. Damages, which xx li. being paid, the Grantee of the Rent sues his Action for x li. of his Rent due during the Time of the Disseisin, which is, no

Disseisin had been he must have had: This is called Circuitry of Action, because it might have been moze shortly answered: For whereas the Grantor shall receive xx l. Damages, and pay x l. Rent, he may have received but the x l. only for the Damages, and the Grantee might have cut off and kept back the other x l. in his Hands, by way of Detainer for his Rent, and so thereby might have saved his Action.

Circumspecte agatis.

Circumspecte agatis is the Title of a Statute made 13 E. 1. Anno Domini 1268. prescribing some Cases to the Judges, wherein the King's Prohibition lies not.

Circumstantibus.

Circumstantibus is a Word of Art, signifying the Supply and making up the Number of Jurors, if any impanelled do not appear, or are challenged by either Party, by adding to them as many others of those that are present and Standers-by. See 35 H. 8. c. 6. & 5 El. c. 25.

City.

City is such a Town corporate as hath a Bishop and a Cathedral Church, whereof such Words are found: The same Place is called *Urbs*, *Civitas*, and *Oppidum*. It is called *Civitas* in regard it is governed in Justice and Order of Magistracy; *Oppidum* for that there are therein great plenty of Inhabitants; and *Urbs*, because it is in due Form begirt about with Walls. But that Place

le que si nul final Disseisin ad este il doit aver ewe: C'est appel Circuitie de Action, pur ceo que il poit aver este plus briefment respondue; car lou le Grantor doit receive xx l. Damages, & payer x l. Rent, il puit aver receive forsque le x l. solement pur les Damages, & le Grantee puit aver recoup, & retaine arere le auter x l. en ses maines pur voy de deteiner pur son Rent, & issint per ycel poet aver save son Action.

Circumspecte agatis.

Circumspecte agatis est le Title d' un Estatute, fait 13 E. 1. Anno Domini 1285. prescriviant al Judges aucuns Cases en les queux la Prohibition le Roy ne gist.

Circumstantibus.

Circumstantibus est un parol de Art, expressant le Supply & addition & nombre de Jurors, si aucun impanele ne appearont pas, ou sont challenge per aucun partie, per adding a eux cy plusors auters de eux que sont present & circumstantes. Veies 35 H. 8. c. 6. & 5 Eliz. 25.

City.

City est tiel Ville corporate que ad un Evesque & un Esglise Cathedral, & de ceo tiels parols sont trove: *Idem locus Urbs, Civitas, & Oppidum appellatur: Civitas enim dicitur, quatenus cum justitia & Magistratum ordine gubernatur; Oppidum, quatenus est ibi copia Incolarum; & Urbs, quatenus Muris debito modo cingitur. Proprie autem dicitur*

Civitas que habet Episcopum. Uncore Crompton en son *Jurisdiction* mention tous les Cities, & omit Ely, nient obstant que ad un Evesque & un Esglise Cathedral, & mita eins *Westminster*, nient obstant que jammes n'ad ascun Evesque. Et 35 El. c. 6. *Westminster* est appel un City: & An. 27 ejusd. c. 5. (de Statutes nient imprime) *Westminster* est equalment appel un City ou Borough. Il appiert per le Stat. 35 H. 8. c. 10 que donques la fuit un Evesque de *Westminster*. *Cassanæus* escrie, que France ad diens les Territories 104 Cities, & il render cest reason, pur ceo que la sont cy plusors Sees de Archevesques & Evesques.

Clack.

CLack, sicome a *Clacker*, *forcer*, & *bard lane*, 8 H. 6. c. 22. de que le primer, viz. de *Clacker lane* est, de scinder les marks de Barbits, que fait ceo d'estre de meind poys, & issint de payer le meind Custom al Roy: De *Forcer lane* est, de clip per le ouster & puis crineous part de ceo: De *Bard* ou *beard lane* est, de scinder le Teste & Colle del aut' parte del Toison.

Claine.

CLaine est un Challenge per ascun home de le proprietie ou ownership de un chose que il nad en possession, mes est deteigne de luy tortiousment: Et le party que issint fait son Claim perdera per ceo un grand advantage; car en ascun Cases il poit per ceo avoider un Discent de terres; & en ascun cases il per ceo

is commonly called *Civitas* which hath a Bishop. Yet Crompton in his *Jurisdiction* reckons up all the Cities, and leaves out Ely, although it hath a Bishop and a Cathedral Church, and puts in Westminster, notwithstanding it now hath no Bishop. And 35 El. c. 6. Westminster is called a City: And Anno 27 ejusd. c. 5. (of Statutes not printed) Westminster is alternately called a City or Borough. It appears by the Stat. 35 H. 8. c. 10. that then there was a Bishop of Westminster, *Cassanæus* writes, that France hath within its Territories 104. Cities, and gives this Reason, because there are so many Sees of Archbishops and Bishops.

Clack.

CLack, as to clack, force, and bard Wool, 8 H. 6. cap. 22. whereof the first, viz. to Clack Wool is, to cut off the Mark of the Sheep, which makes it to weigh less, and so to pay the less Custom to the King: To Force Wool is, to clip the upper and most hairy Part of it: To Bard or beard Wool is, to cut the Head and Neck from the other Part of the Fleece.

Claim

CLaim is a Challenge by any Man of the Property or Ownership of a Thing which he hath not in Possession, but is withholden from him wrongfully: And the Party that so makes this Claim shall have thereby a great Advantage; for by it, in some Cases, he may avoid a Descent of Lands; and by it, in other Cases, he may save

have his Title, which otherwise should be lost. As if a Man be disseised, and the Disseisee make a continual Claim, that is, if he claims the Lands whereof he is disseised within the Year and Day before the Death of the Disseisor, then may he enter, notwithstanding the Discent.

Also, if a Fine be levied of another Man's Land, then he that hath Right thereunto ought to make his Claim within five Years after the Proclamation had, made, or certified, by the Statute of 4 H. 7. cap. 24. But a Stranger that hath no Right cannot of his own Head enter, or make Claim in the Name of him that hath Right to avoid the Fine within the five Years, without Commandment p̄cedent, or Assent subsequent: Yet Guardian for Education, or in Socage, may enter or make Claim in the Name of the Infant that hath Right to enter or make Claim; and this shall help the Estate of the Infant, without Commandment or Assent, for there is Privity between them.

Claim of Liberty.

Is a Suit or Petition to the King, in the Court of Exchequer, to have Liberties and franchises confirmed there by the King's Attorney General. Coke Ent. 97.

Clamea admittenda in Itinere per Attornatum,

Is a Writ whereby the King commands the Justices in Eyre to admit by Attorney the Claim of a Man that is employed in the King's Service, and can-

saver son Title, que autrement serroit perde. Come si home soit disseise, & le Disseisee fait continual claime, cest a dire, si claimer les terres dont il est disseise deins le an & jour devant le mort le Disseisor, donque poit il enter, nient obstant le Discent.

Auxy, si Fine soit levie del terre a un autre home, donque cestuy que ad droit a ceo doit faire son Claime deins cinque ans apres le Proclamation ad, fait, ou certifie, per le Statute de 4 H. 7. & 24. Mes un estrangeur que nul droit ad ne poit de son teste demesne enter, ou faire Claime en le nosme de cestuy que droit ad de avoier le Fine deins les cinque ans, sans commandment precedent ou assent subsequent: Uncore Gardian pur nurrure, ou en Socage, poit enter ou faire Claime en le nosme del Enfant que ad droit de enter ou faire Claime; & c'aydera le estate del Enfant, sans aucun commandment ou assent, car la est privitie enter eux.

Clame de Liberties.

EST un Suit ou Petition al Roy, en le Court de Exchequer de aver Liberties & Franchises d'estre confirm la per l' Attorney General le Roy. Coke Ent. 93.

Clamea admittenda in Itinere per Attornatum,

EST un Brief, per le quel le Roy commande les Justices en Eyre a admitter per Attorney le Claime d'un home, que est employe en le Service

vice le Roy; & ne puit vener
en sa proper persone. Reg.
Orig. fol. 19.

not come in his own Person.
Reg. Orig. fol. 19.

Clausum fregit

C*lausum fregit* signifie cy tant
com un Action de Tres-
pals, & est issint appel, pur
ceo que en le Brief un tiel est
summoné a responder *Quare*
Clausum fregit, c'est a dire, pur
que il fist un tiel Trespals.

Clausum fregit.

C*lausum fregit* signifies as
much as an Action of Tres-
pals, and is so called, because in
the Writ such a one is summon-
ed to answer *Quare Clausum fre-*
git, that is to say, why he did
such a Trespals.

Clergie.

C*lergie* est prise divers voyes;
ascun foits pur tout le
nombre de homes de Reli-
gion, ascun foits pur un Plee
a un Indictment ou Appeal:
Et est desie d'estre un ancient
Libertie de Esglise, confirm
en divers Parliaments. Et est,
quand un home est arraigne de
Fe'ony, ou tiels semblables,
devant un temporal Judge, &c.
& le Prisoner pria son Cler-
gie, cest a dire, pur aver son
Liver, quel en ancient temps
fuit autant sicome il uist prie
d'estre dismissé del temporal
Judge, & d'estre deliver al
Ordinary de purger luy mesme
de mesme Offence. Et don-
ques le Judge commandera le
Ordinary de trier sil poit lier
come un Clerk, en tiel Livre
& lieu come le Judge assignera.
Et si le Ordinary certifie le
Judge que il poit, donques le
Prisoner navera Judgment de
perder son vie. Mes cest
Libertie de Clergie est re-
strain par les Stat. de 8 Eliz.
c. 4. an. 14 ejusd. c. 5. an.
18 ejusd. c. 4, 6, 7. & 23 ejusd.
c. 2. & 29 ejusd. c. 2 & 31
ejusd. c. 12. & 39 ejusd. c. 9.
& 15. Veies Crompt. Justice de
Peace fol. 102, &c & staundf.
lib. 2. c. 41. & Stat. de 18

Clergy.

C*lergy* is taken divers Ways;
sometimes for the whole
Number of religious Men;
sometimes for a Plea to an
Indictment or Appeal; and is
defined to be an ancient Liberty
of the Church, confirmed in di-
vers Parliaments. And it is,
when a Man is arraigned of
Felony, or such like, before a
temporal Judge, &c. and the
Prisoner prays his Clergy, that
is, to have his Book, which in
ancient Time was as much as
if he desired to be dismissed
from the temporal Judge, and
to be delivered to the Ordinary
to purge himself of the same
Offence. And then the Judge
shall command the Ordinary to
try if he can read as a Clerk,
in such a Book and Place as
the Judge shall appoint. And
if the Ordinary certifie the
Judge that he can, then the
Prisoner shall not have Judge-
ment to lose his Life. But
this Liberty of the Clergy is
restrained by the Statutes of
8 El. c. 4. an. 14 ejusd. c. 5. an.
18 ejusd. c. 4, 6, 7. & 23 ejusd.
c. 2. & 29 ejusd. c. 2. 31 ejusd.
c. 12. & 39 ejusd. c. 9 & 15 &
See Crompt. Justice of Peace,
fol. 102, &c and Staundf. lib. 2.
c. 41. and the Stat. of 18 Eliz.
c. 7.

c. 7. by which Clerks are not to be delivered to their Ordinaries to be purged; but now every Man, though not within Orders, is put to read at the Bar, being found guilty, and convicted of such Felony, for which this Benefit is still granted, and so burned in the Hand, and set free the first Time, if the Ordinary's Commissary or Deputy saith, He readeth as a Clerk; or otherwise he suffers Death for his Transgression.

Clerico admittendo.

Clerico admittendo is a Writ directed to the Bishop for the admitting a Clerk to a Benefice upon a *Ne admittas* tried and found for the Party that procures the writ. *Reg. Orig. fol. 31.*

Clerk.

Clerk hath two Significations, one as it is the Title of him that belongs to the holy Ministry of the Church, that is, in these Days, either Minister or Deacon of what other Degree or Dignity soever; although that in ancient Time not only Sacerdotes and Diaconi, but also Subdiaconi, Cantores, Acoluthi, Exorcistæ and Ostiarii were within this Account, as they are at this Day where the Canon-Law hath full Power. And in this Signification a Clerk is either religious (or otherwise called regular) or secular. 4 H. 4. c. 12.

The other Signification of this Word denotes such as by their Functions or Course of Life use their Pen in any Court, or otherwise; as name-

Eliz. c. 7. per que Clerks ne sont d'estre deliver a leur Ordinaries d'estre purge; mes jammes chescun home, coment nient deins Orders, est mis a lier al Barre, esteant trove culpable, & conviêt de tiel Felony; pur que cest benefit en uncore grant, & issint arse est le main, & enlarge pur le primer temps, si le Commissary ou Deputy del Ordinary dir, Legit ut Clericus; ou autrement il suffie mort pur son peche.

Clerico admittendo.

Clerico admittendo est un Brief direct al Evesque pur l'admittance de un Clerk a un Benefice, sur un *Ne admittas* trie & found pur le party que procure le Brief. *Reg Orig. fol. 31.*

Clerk.

Clerk ad deux significations, un come est le titre de celuy que appartient al sanct Ministerie de le Eglise, cest-ascavoir, en ceux jours ou Minister ou Deacon de quecunque auter Degree ou Dignity, nient obstant que en pristine temps non seulement Sacerdotes & Diaconi, mes auxy Subdiaconi, Cantores, Acoluthi, Exorcistæ & Ostiarii fueront deins cest accompt, sicome ils sont a cest jour ou le Ley Canon ad pleine poyar. Et en cest signification Clerk est ou Religious (auterment appel regular) ou Secular. 4 H. 4. c. 12.

L'auter signification de cest parol denote tiels que per leur fonction ou course de vie usont leur plume en aucun Court, ou autrement; come nosme-

ment le Clerk des Rotules del Parliament, Clerks del Chancery, & tiels semblables.

by the Clerk of the Rolls of Parliament, Clerks of the Chancery, and such like.

Clerk attaint.

C*lerk attaint* est celuy que pria son Clergie devant judgment sur luy done de Felony, & ad son Clergy allow; tiel Clerk ne poit faire son Purgation.

Clerk attaint.

C*lerk attaint* is he who prays his Clergy after Judgment given upon him of the Felony, and hath his Clergy allowed; such a Clerk might not make his Purgation.

Clerk convict.

C*lerk convict* est celuy que pria son Clergie devant judgment sur luy done de Felony, & ad le Clergie grant; tiel Clerk puit fair son Purgation. Nota, que cel Purgation fuit fait quand il fuit dimisse al Ordinarie la d'estretrie del enquest del Clerks: & pur ceo ore per le Stat. 18 Eliz. cap. 7. nul tiel est misse al Ordinarie.

Clerk convict.

C*lerk convict* is he who prays his Clergy before Judgment given upon him of the Felony, and hath his Clergy granted, such a Clerk might make his Purgation. Note, That this Purgation was made when he was dismissed to the Ordinary, there to be tried by the Inquest of Clerks: And therefore now by the Stat. of 18 Eliz. cap. 7. no such is put to the Ordinary.

Clerk del Assise.

C*lerk del Assise, Clericus Assise,* est celuy qui escrit tous choses judicialment fait per les Justices de Assise en leur Circuits. *Crompt. Jurisdic. fol. 227.*

Clerk of Assise.

C*lerk of Assise, Clericus Assise,* is he who writeth all Things done judicially by the Justices of Assise in their Circuits. *Crompt. Juridict. fol. 227.*

Closh.

C*losh ou Closs* est un illoyal Game prohibit per le Statute fait en l'an 17 E. 4. c. 3. & est inhibit auxy per le Statute de 33 H. 8. c. 9. Mes icy est plus properment appel *Clash*; car est le mitter d'un Boul as neuf Espingles de Boys, ou neuf Shank-bones de un beefe ou chival; Et est ore usualment appel *Kailes*, ou *Nine-pins*.

Closh.

C*losh* is an unlawful Game forbidden by the Statute made in the 17 Year of E. 4. c. 3. and it is inhibited also by the Statute of 33 H. 8. c. 9. But there it is moze properly called *Clash*; for it is the throwing of a Bowl at nine Pins of Wood, or nine Shank-bones of an Ox or Horse: And it is now ordinarily called *Kailes*, or *Nine-pins*.

Coadjutor.

Coadjutor to the Disseisin is he who with another disseises one of his Freehold to the Use of the other, and he shall be punished as a Disseisor; but he is not such a Disseisor who gains the Freehold, but the Freehold vests and is wholly in him to whose Use the Disseisin was committed, as appears in Littleton, l. 3. c. 3. of Jointenants.

Cocket.

Cocket is a Seal pertaining to the King's Custom-House, and it signifies also a Scrowl of Parchment, sealed and delivered by the Officers of the Custom-House to Merchants, as a Warrant that their Merchandizes are customed. This Word is used in the old Statutes now expired of 14 E. 3. Stat. 1. c. 21. & 11 H. 6. c. 16.

Codicil.

Codicil is a Will or Testament of a Man concerning that which he would have done after his Death without the appointing of an Executor. Or it is an Addition or Supplement added unto a Will or Testament after the finishing of it, for the Supply of something which the Testator had forgotten, or to help some Defect in the Will. Of this you may read more in Swinbourn Of Wills and Testaments, part 1. Sect. 5. num. 2, 3, &c.

Cognisance. See Conu-
fance.

Coadjutor.

Coadjutor al Disseisin est celuy que ove auter disseise un de son Franktenement al use del auter, & il serra punie come un Disseisor; mes il n'est tiel Disseisor que gaine le Franktenement, mes le Franktenement vest & est tout en celuy a que use le Disseisin fust commit, come appiert en Littleton, l. 3. c. 3. de Joyntenants.

Cocket.

Cocket est un Seale que appartient al Custome House le Roy, & signifie auxy un Escrowle del Parchment, seal & deliver per le Officers del Custome-House as Merchants, come un Garrant que lour Merchandizes sont customes. Cest parol est use en les vieux Statutes ore expires, faits 14 E. 3. Stat. 1. c. 21. & 11 H. 6. cap. 16.

Codicil.

Codicil est le Volunt ou Testament d'un home touchant ceo que il voit aver d'estre fait apres son mort sans l' nomination d'aucun Executor. Ou autrement il est un addition ou supplement adde al un Volunt ou Testament apres le fine de ceo, pur le supply d'aucune chose que le Testator ad oblie, ou pur ayder aucun defect en le Testament. De ceo poyes lier pluies en Swinbourn des Volunts & Testaments, part 1. Sect. 5. num. 2, 3, &c.

Cognisance. Veies Conu-
fance.

Coigne.

Coigne est un parol collective, que contain en ceo tous manners del several stamps & portraitures de Numer. Et cest est un des Royaux Prerogatives appendant a chescun Prince, que il solement en ses terres demesne poit order & dispose le quantitie, & fashions de son Coigne. Et coment que ceo est le nerve de tout merchandise & commerce, uncore le Coigne de un Roy n'est curreant en les Royalms de un auter Roy communement, sinon al grand perde.

Si home oblige luy mesme de render cent liyers de loyal Coigne de *Angletere* a un auter, & al jour de payment ascun de argent happa d'estre Coigne de *Espaigne* ou de *Frangois*, ore l'Obligation est bien performe, si per Proclamation ils sont faits curreant Mony de *Angleterre*. Car le Roy per son absolute Prerogative poit faire ascun foreign Coigne loyal Coigne de *Angleterre* a son pleasure per son Proclamation. En case ou home est de pay Rent a son Lessor sur condition de Re-entry, & le Lessee paya le Rent a son Lessor, & il ceo receive, & mita ceo en son Burse, & puis en reviewant de ceo a mesme le temps il trova que il ad receive ascun counterfeit peeces, & sur ceo il refuse de emporter les Deniers, mes re-enter pur le Condition enfreint; ore son Entry n'est loyal, car quand il ad accept les Deniers, ceo fuit a son peril, & puis cest

Coin.

Coin is a Word Collective, which contains in it all Manner of the several Stamps and Pourtraitures of Money. And this is one of the Royal Prerogatives belonging to every Prince, that he alone in his own Dominions may order and dispose the Quantity, and fashions of his Coin. And though this is the Sinew of all Traffick and Commerce, yet the Coin of one King is not current in the Realms of another King, commonly, unless at great Loss.

If a Man binds himself to pay an Hundred Pounds of lawful Money of England to another, and at the Day of Payment some of the Money chanches to be Spanish or French Coin, there the Obligation is well perfozmed, if those Coins are by Proclamation made current Money of England: for the King by his absolute Prerogative may make any Foreign Coin lawful Money of England as his pleasure by his Proclamation. In case where a Man is to pay Rent to his Lessor upon Condition of Re-entry, and the Lessee pays the Rent to the Lessor, and he receives it, and puts it into his Purse, and afterwards upon Review of it at the same Time he finds that he hath received some counterfeit Pieces, and thereupon refuses to take away the Money, but re-enters for the Condition broken; there his Entry is not lawful, for when he had accepted the Money, this was at his Peril, and after this Allowance he shall

shall not take Exception to any of it.

allowance il ne prendra exception al aucun de eux.

Collateral.

Collateral is that which comes in, or adheres to the Side of any Thing; as Collateral Assurance is that which is made over and beside the Deed it self: For example, if a Man covenants with another, and enters into Bond for the Performance, the Bond is called Collateral Assurance, because it is external, and without the Nature and Essence of the Covenant. And Crompton, fol. 185. saith, That to be subject to feeding the King's Deer is collateral to the Soil with in the Forest. In like Manner we may say, that the liberty to pitch Sheds or Standings for a Fair in the Soil of another Man is collateral to the Land. The private Woods of a Common Person within the Forest cannot be cut down without the King's License, for it is a Privilege collateral to the Soil. Manw. part 1. pag. 66. Collateral Warranty; see tit. Warranty.

Collation.

Collation is properly the bestowing of a Benefice by the Bishop, that hath it in his own Gift or Patronage; and differs from Institution in this, for that Institution in to a Benefice is performed by the Bishop at the Motion and Presentation of another, who is Patron of the same Church, or hath the Patron's Right for that Time: Yet Collation is used for Presentation in 25 E. 3. Stat. 6. and there is a Distinction

Collateral.

Collateral est ceo que vient einsi, ou adhere al later d'un chose; come Collateral Assurance est ceo que est fait ouster & preter le Fait mesme: Pur exemple, si home covenant ove un auter, & luy oblige pur le performance, le Obligation est appel Collateral Assurance, pur ceo que est external, & sans le nature & essence del Covenant. Et Crompton fol. 185. dit, que d'estre subject al depasturing des Dames le Roy est collateral al soyle deins le Forest. En mesme le manner poyomus nous dire, que libertie a pitcher Sheds ou Stalls pur un Faire en le soyle de un auter home est collateral al terre. Le private Bois de un common Person diens le Forest ne poit estre succide sans le Licence del Roy, car il est un Privilege collateral al soyle. Manw. part 1. pag. 66. Collateral Garantie; veies tit. Garantie.

Collation.

Collation est properment le Donation de un Benefice per l'Evesque, que ceo ad en son Done ou Patronage de mesme; & differt de Institution en ceo, pur ceo que Institution en un Benefice est performe per l'Evesque al Motion & Presentation de un auter, que est Patron de mesme Eglise, ou ad le droit del Patron pro hac vice: Uncore Collation est use pur Presentation en 24 E. 3. Stat.

Stat. 6. & la est un Brief en le Regist. 31. b. appel De Collatione facta uni post mortem alterius, &c. direct al Justices del Common Bank, eux commandant a directer leur Brief al Evesque, pur l'admittance de un Clerk en le lieu de un auter present per le Roy, que devant le Suit perenter le Roy & le Clerk del Evesque, morust; car judgement un foits passe pur le Clerk le Roy, & il morant devant que il soit admit, le Roy poit done son Presentation al auter.

Collusion.

Collusion est, lou un Action est port vers un auter per son agreement demesne, si le Plaintiff recover, tiel Recoverie est dit per Collusion. Et en ascun cases le Collusion serra inquire, come en un *Quare impedit*, & Affise, & tiels semblables, queux ascun Corporation ou Corps politique port envers auter al entent de aver le Terre ou Advowson dont le Brief est port en Mortmain. Mes en Avowrie, ne en ascun Action personal, le Collusion ne serra enquire. Veies le Statute de *Westmin. 2. c. 32.* que done le *Quale jus* & enquire en tiel case.

Colour.

Colour est un fained matter le quel le Defendant ou Tenant use en son barre quand un Action de Trespasse ou un Affise est port envers luy, en le quel il done le Demandant ou Plaintiff un shew prima facie que il ad bone cause de Action, lou en veritie il n'est

in the Regist. 31. b. called De Collatione facta uni post mortem alterius, &c. directed to the Justices of the Common Pleas, commanding them to direct their Writ to the Bishop, for the admitting a Clerk in the Place of another presented by the King, who during the Suit between the King and the Bishop's Clerk, deceased; for Judgment once passed for the King's Clerk, and he dying before he be admitted, the King may give his Presentation to another.

Collusion.

Collusion is, where an Action is brought against another by his own Agreement, if the Plaintiff recover, then such Recovery is called by Collusion. And in some Cases the Collusion shall be enquired of, as in *Quare impedit*, and Affise, and such like, which any Corporation or Body politick brings against another, to the Intent to have the Land or Advowson whereof the Writ is brought in Mortmain. But in Advowry, nor in any Action personal, the Collusion shall not be inquired. See the Statute of *Westm. 2. c. 32.* which gives the *Quale jus* and Enquiry in such Cases.

Colour.

Colour is a feigned Matter which the Defendant or Tenant uses in his Bar when an Action of Trespass or an Affise is brought against him, in which he gives the Demandant or Plaintiff a shew at first Sight that he hath good Cause of Action, where in truth it

it is no just Cause, but only a Colour and Fate of a Cause: And it is used to the Intent that the Determination of the Action should be by the Judges, and not by an Ignorant Jury of twelve Men. And therefore a Colour ought to be a Matter in Law doubtful to the Common People. As for Example, A. brings an Assise of Land against B. and B. saith he himself did let the same Land to one C. for Term of Life, and afterward did grant the Reversion to A. the Demandant, and after C. the Tenant for Term of Life died, after whose Decease, A. the Demandant, claiming the Reversion by Force of the Grant, (whereof C. the Tenant for Life did never attune) entred, upon whom B. entred, against whom A. for that Entry brings this Assise, &c. This is a good Colour, because the Common People think the Land will pass by the Grant without Attornment, where indeed it will not pass, &c.

Also in an Action of Trespasse Colour must be given, of which there are an infinite Number, one for example: In an Action of Trespasse for taking away the Plaintiff's Beasts, the Defendant saith, That before the Plaintiff had any thing in them, he himself was possessed of them as of his proper Goods, and delivered them to A. B. to deliver them to him again when, &c. and A. B. gave them unto the Plaintiff, and the Plaintiff supposing the Property to be in A. B. at the Time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings an Ac-

just cause, mes tantsolement un Colour & Visopir de un cause: Et il est use al intent que le determination del Action doit estre per les Judges, & nemy per un ignorant Jurie de douze homes. Et pur ceo un Colour doit estre un matter en Ley difficile al lay Gentes. Come pur exemple, A. port un Assise de terre envers B. & B. dit que il mesme lessé mesme le terre al un C. pur terme de vie, & aprer grant le Reversion al A. le Demandant, & puis C. Tenant pur terme de vie mourut, apres que decease, A. le Demandant, claimant le Reversion per force del Grant, (ou C. le Tenant pur vie ne unques attourne) entra, sur que B. entra, envers que A. pur mesme entrie port cest Assise, &c. C'est un bone Colour, pur ceo que les lay Gentes pensant que le terre voile passe per le Grant sans Attournement, lou en fait il ne voile passe, &c.

Auxy en un Action de Trespasse Colour doit estre done, & deux sont un infinite number, un pur Example: En un Action de Trespasse pur prise de Avers del Plaintiff, le Defendant dit, que devant le Plaintiff riens avoit en eux, il mesme suit possesse de eux come de ses proper Biens, & eux delivier al A. B. pur eux rebailer a luy quando, &c. & A. B. eux dona al Plaintiff, & le Plaintiff supposant le property d'estre en A. B. al temps del done, prist eux, & le Defendant eux reprist del Plaintiff, sur que le Plaintiff port le Action: Cest un bone Colour

leur, & un bon Plea. Veies de ceo plus en Doctor & Student, l. 2. c. 13.

Colour est pur ceo cause, viz. lou le Defendant justifie per title en Transgreis ou Assise, sil ne done le Plaintiff Colour, son plea amount ranque al general issue, car si le Defendant ad title il n'est culpable. 1 Co. 79, 108.

Colour de Office.

Colour de Office est tous foits prist in malam partem & signifie un act malement fait per le countenance de un Office, & il port un dissimulant visage del droit del Office, lou le Office n'est que vaile del fausitie, & le chose est ground sur vice & le Office est come un shadow al ceo. *Mes ratione Officii, & virtute Officii*, sont prises tous foits in bonam partem, & lou le Office est le just cause del chose, & le chose est pursuant al Office. *Plo. en Dive & Man. Case, f. 64. a.*

Combat.

Combat, en nostre antique Ley, estoit un formal Trial de un ambigieux Case ou Controverisie per l' Ense ou Bastons de deux Champions. Veies *Glanville, l. 14. c. 1. Britton, c. 22. & Dyer, f. 301. num. 41.* Le darrein Tryal per Combat en *Engleterre* fuit *An. 6. Car. 1.* perenter *Donald Seign' Roy*, Appellant, & *David Ramsey* Escuyer, Defendant, ambideux *Escoffois*, & apres plusors Formalitez le Matter fuit refer al volunt & Plaisir le Roy.

tion: That is a good Colour, and a good Plea. See more hereof in Doctor and Student, l. 2. c. 13.

Colour is for this Cause, viz. where the Defendant justifies by title in Trespasse or Assise, if he do not give the Plaintiff Colour, his Plea amounteth only to Not guilty, for if the Defendant hath Title he is not guilty. 1 Co. 79, 108.

Colour of Office.

Colour of Office is always taken in the worst Part, and signifies an Act evilly done by the Countenance of an Office, and it bears a dissembling Face of the Right of the Office, whereas the Office is but a Veil to the Falshood, and the Thing is grounded upon Vice, and the Office is as a Shadow to it. But by Reason of the Office, and by Virtue of the Office, are taken always in the best Part, and where the Office is the just Cause of the Thing, and the Thing is pursuing the Office. *Plo. in Dive & Man. Case, f. 64. a.*

Combat.

Combat, in our ancient Law, was a formal Trial of a doubtful Cause or Quarrel by the Swords or Bastons of two Champions. See *Glanville, l. 14. c. 1. Britton, c. 22. and Dyer, fol. 301. num. 41.* The last Trial by Combat in England was *Ann. 6 Car. 1.* between *Donald Lord Rey*, Appellant, and *David Ramsey*, Esquire Defendant, both Scotchmen; but after many Formalities the Matter was referred to the King's Will and Pleasure.

Com-

Commandment.

Commandment is taken in divers Significations: sometimes for the Commandment of the King, when by his meer Motion, and from his own Mouth, he casts any Man into Prison. *Staundf. Plac. Coron. fol. 72.* or of the Justices: And this Commandment of the Justices is either absolute or ordinary. Absolute, as when upon their own Authority, or Wisdom and Discretion, they commit any Man to Prison for a Punishment. Ordinary is, when they commit one rather to be safely kept than for Punishment; and a Man committed by such ordinary Commandment isailable. *Placit. Cor. fol. 73.* Commandment is again used for the Offence of him that wills another Man to transgress the Law, or to do any such thing as is contrary to the Law, as Murder, Theft, or such like. *Bracton l. 3. tract. 2. cap. 19.* The Civilians call this Commandment, *Angelus de maleficiis.*

Commandrie.

Commandrie was the Name of a Manor or chief Messuage, with which Lands or Tenements were used, belonging to the late Priory of S. John of Jerusalem, until they were given to King Henry the eighth by Statute made in the 32 Year of his Reign. And he who had the Government of any such Manor or House was called the Commander, who had nothing to do to dispose of it, but to the Use of the Priory, and to have only his Sustenance

Commandment.

Commandment est prise en divers significacions: asc' foits pur le Commandment le Roy, quand per son mere Motion & de son Bouche demesne il jette ascun home en Prison. *Staundf. Plac. Cor. fol. 72.* ou des Justices: Et ceo Commandment des Justices est ou Absolute, ou Ordinarie. *Absolute*, sicome quand sur lour authoritie demesne, ou lour sapience & prudence, ils committont ascun home a Prison pur un punishment. *Ordinarie* est, quand ils committont un pluis destre sagement gard, que pur punishment; & home comit per tiel ordinarie Commandment est mainpernable. *Placit. Cor. fol. 73.* Commandment est use arere pur l'Offence de celuy que command auter home de transgresser le Ley, ou de faire asc' tiel chose que est encounter le Ley, come Murder, Larcenie, ou tiel semblables. *Bract. l. 3. tract. 2. c. 19.* Les Civilians appel cest Commandment, *Angelus de maleficiis.*

Commandrie.

Commandrie fuit le nosme dun Manor ou chief Messuage, ove que Terres ou Tenements fueront occupies perteignent al Priorie de S. Johan de Jerusalem, tanque fueront done al Roy Henry le huiet per Statute fait en l'an. 32 de son reign. Et cestuy que avoit le Government de asc' tiel Manor ou Messuage fuit appel le Commander, que navoit rien a faire on disposer de ceo, forsque al use del Priorie, & daver solement son sustenance de

de ceo solonque son degree, que fuit usuellement un Frere de mesme le Priorie, que eust este fait Chivaler en les guerres encount' Infidels: & furent jades appel Knights de le *Rhodes*, ou Knights de *Malta*, des lieux ou leur grand Master inhabite. Veies le dit Statute, & le Statute intituled *De Templariis*, le decay des queux fuit grand encrease de cel Order. Et plusors de ceux Commandries sont en le Pais nommes le *Temple*.

Commendam.

Commendam est un Benefice que estant void, est commend al care de ascun sufficient Clerk, destre supplie jelsque il poit estre conveniement provide de un Pastor. Et le voyer original de ceux *Commendams* fuit ou pur cause de evident utilitie ou necessitie. Cestuy a quel l'Esglise est commend ad les fruits & profits de ceo seulement per un certain temps, & le nature del Esglise nest alter per ceo, mes est sicome un chose deposite en les maines de cestuy a que il est commend, que nad forsque le Custody de ceo, que poit estre revoke.

Commisary.

Commisary est un nomme de Ecclesiastical Jurisdiction, appartenant a cestuy que exerce Jurisdiction Spiritual en lieux del Diocese de cy grand distance del principal City, que le Chancellor ne poit appeller les Subjects al chief Consistorie del Evesque sans leur grand molestation. Cest *Commisarie* est appel per les

from it according to his Degree, which was usually a Brother of the same Priory, who had been made a Knight in the Wars against Infidels; and they were lately called Knights of the Rhodes, or Knights of Malta, of the Places where their grand Master did dwell. See the said Statute, and the old Statute intituled *De Templariis*, whose Decay was a great Increase of this Order. And many of their Commandries are called in the Country by the Name of Temple.

Commendami.

Commendam is a Benefice that being void, is commended to the Care of some sufficient Clerk, to be supplied until it may be conveniently provided of a Pastor. And the true original of these *Commendams* was either evident Profit or Necessity. He to whom the Church is commended hath the Fruits and Profits thereof only for a certain Time, and the Nature of the Church is not changed thereby, but it is a thing deposited in the Hands of him to whom it is commended, who hath nothing but the Custody thereof, which may be revoked.

Commisary.

Commisary is a Title of Ecclesiastical Jurisdiction, pertaining to him that exercises Spiritual Jurisdiction in Places of the Diocese so far distant from the chief City, that the Chancellor cannot call the Subjects to the Bishop's principal Consistory without their great Trouble. This *Commisary* is called by the Canonists

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Commissary, or *Officialis foraneus*; and is ordained to this special End, that he should supply the Office and Jurisdiction of the Bishop in the Out-places of the Diocess, or in such Parishes as are Peculiars to the Bishop, and exempted from the Archdeacon's Jurisdiction, for where by Prescription or by Composition, are Archdeacons, who have Jurisdiction in their Archdeaconries, as in most Places they have, there this Commissary is superfluous, and rather to the Prejudice than Good of the People.

Commission.

Commission is as much in the Common Law as the Word Delegate in the Civil, and is taken for the Warrant or Letters Patents which all Men, using Jurisdiction, either ordinary or extraordinary, have for their Power to hear or determine any Matter or Action. Yet this Word sometimes extends more largely than to Matters of Judgment; as the Commission of Purveyors or Takers, 11 H. 4. cap. 28. But with this Epithere High, it is most commonly used for the High-Commission Court, instituted and founded upon the Stat. of 1 Eliz. c. 1. for the ordering and reforming of all Offences in any thing appertaining to the Jurisdiction Ecclesiastical, but especially such as are of highest Nature, or at least require greater Punishment than the ordinary Jurisdiction can afford. See the Statutes 17 Car. 1. c. 11. and 13 Car. 2. c. 12. by which the said Court is wholly abolished.

Canonists *Commissarius*, ou *Officialis foraneus*; & est ordigne a cel special fine, que il executera l'Office & Jurisdiction del Evesque en les Boundaries del Diocess, ou en tiels Paroches que sont peculiars al Evesque, & exempt del Jurisdiction del Archdeacon: car ou per prescription, ou per composition, la sont Archdeacons que ont Jurisdiction en leur Archdeaconries, sicome en plusors lieux ils ont, la cest Commissarie est superfluous, & plus al detriment quel al bone des gens.

Commission.

Commission est tant en le Common Ley come le parol Delegate en l'Civil, & est prise pur le Garrant ou Letters Patents que tous homes, ayant jurisdiction, ou ordinarie ou extraordinaire, ont pur leur poyar de oyer ou termine ascun cause ou action. Uncore cest parol est ascun fois extend plus largement que al choses de Judicature; sicome le Commission de Purveyors ou Prisors, 11 H. 4. cap. 28. Mes ove cest Epithere Alt, il est plus communement use pur le Alt-Commission Court, institute & foundue sur le Stat. de 1 El. c. 1. pur l'ordinance & reformations de tous Offences en ascun chose appertinent al Jurisdiction Ecclesiastical, mes especialment tiels que sont de plus alt nature, ou al meins require plus grand punishment que ordinarie Jurisdiction poit afford. Veies les Stat. 17 Car. 1. c. 11. & 12 Car. 2. c. 12. per quel l'avant dit Court est tout abolie.

Commission de Rebellion.

Commission de Rebellion, autrement appel un Brief de Rebellion, est use quand un home apres Proclamation fait per le Viscount, sur un Order ou Process del Chancerie, south penalty de son Allegiance a presenter luy mesme al Court per un jour certain, ne appiert pas. Et cest Commission est direct per voy de command al certain persons, a fine que ils, ou trois, deux, ou un de eux, apprehendent ou causont destre apprehend le partie, come un Rebel & Contemner de Leys le Roy, en quelcunque lieu que ils luy troveront deins le Royaume, & de presenter luy ou luy cause destre present al Court sur un jour en ceo assigne.

Committee.

Committee est cestuy ou ils a que le consideration ou ordinance de ascun chose est refer, ou per ascun Court, ou consent des parties a que il appertient; sicome en Parliament un Bill esteant lie, est ou admit & pas, ou denie, ou refer al consideration de ascun cerrein homes appoint per le Meason, les queux sur ceo sont appellees un Committee. Mes cest parol est autrement use per *Kitchin*, fol. 160. ou le Relict del Tenant le Roy est appel le Committee le Roy, cest a scavoir, un commise per l'ancien Ley del Terre al care & protection le Roy.

Commission of Rebellion.

Commission of Rebellion, otherwise called a Writ of Rebellion, is used when a Man after Proclamation made by the Sheriff upon an Order or Process of the Chancery, under Penalty of his Allegiance to present himself to the Court by a Day certain, appears not. And this Commission is directed by way of Command to certain Persons, to the End they, three, two, or one of them, shall apprehend or cause to be apprehended the Party, as a Rebel and Contemner of the King's Laws, in what Place soever they shall find him within the Kingdom, and bring or cause him to be brought to the Court upon a Day therein assigned.

Committee.

Committee is he or they to whom the Consideration or ordering of any Matter is referred, either by some Court, or Consent of the Parties to whom it appertains; as in Parliament a Bill being read, is either consented unto and passed, or denied, or referred to the Consideration of some certain Man appointed by the House, who hereupon are called a Committee. But this Word is otherwise used by *Kitchin*, fol. 160. where the Widow of the King's Tenant is called the Committee of the King, that is, one committed by the ancient Law of the Land to the King's Care and Protection.

Common.

Common is the Right that a Man hath to put his Beasts to Pasture, or to use the Ground that is not his own.

And note that there are divers Commons, that is, Common in gross, Common appendant, Common appurtenant, and Common because of Neighbourhood.

Common in gross is, where I, by my Deed, grant to another that he shall have Common in my Land.

Common appendant is, where a Man is seised of certain Land, to which he hath Common in another's Ground, only for those Beasts which compost the Land to which it is appendant, excepting Geese, Goats, and Hogs; which Common is by Prescription, and of common Right, and appendant to arable Land only.

Common appurtenant is of the same Nature with Common appendant; but with all Manner of Beasts, as well Hogs and Goats, as Horses, Kine, and such as compost the Ground. And this Common may be made at this Day, and severed from the Land to which it is appurtenant, but so cannot Common appendant.

Common because of Neighbourhood is, where the Tenants of two Lords are seised of two Manors adjoining to each other; and the Tenants have Time out of Mind intercommoned each with other with all manner of Beasts commonable.

Common.

Common est le droit que home ad de mitter ses Beasts a Pasture, ou de user le Terre que nest son proper soile.

Et nota que sont divers Commons, cest adire, Common en grosse, Common appendant, Common appurtenant, & Common par cause de vicinage.

Common en grosse est, lou jeo, per mon Fait, grant a un autre que il avera Common en ma terre.

Common appendant est, lou home est seisie de certaine terre, a que il ad Common en autre soile, solement pur ceux Beasts que compost la Terre a que il est appendant, except Oyson, Chivers, & Porceaux; quel Common est per prescription, & de common droit, & il est appendant al terre arable solement.

Common appurtenant est de mesme nature ove Common appendant; mes est ovesque tous manners des Avers, cybien Porceaux & Chivers, come Chivals, Vaches, & tiels que compost le terre. Et tiel Common poit estre fait a ceo jour, & sever del Terre a que il est appurtenant, mes ilint ne poit Common appendant.

Common par cause de Vicinage est, lou les Tenants de deux Seigniors sont seies de deux Seignories d'ont l'un gist pres l'auter; & chescun de eux ont use de temps d'ont memorie ne courre de aver Common en autre Ville ovesque tous Beasts commonable.

Mes l'un ne poit mitter ses Avers en le terre l'auter, car la ceux de l'auter Ville poient eux distraire Damage feasant, ou aver Action de Trespasse: mes il eux mittera en leur camps demesne, & si ils estray en les camps del auter Ville, ils doivent eux sufferer. Et les Inhabitants de lun Ville ne poient mitter euns Beasts rants come ils voile, mes ayant regard al Franktenement del Inhabitants de le auter, car autrement il ne seroit bone Vicinity, sur que tout depend.

Common Jour en Plee de Terre.

Common Jour en Plee de Terre, Anno 13. R. 2. Stat. 1. cap. 17. signifie un ordinarie Jour en le Court, come Octabis Michaelis, Quindena Pasche, &c. come poies veier en le Statute 51 H. 3. concernant general jours en le Bank.

Common Fine.

Common Fine est un certain sune des deniers que les Resiants deins un Leet payont al Seign' del Leet; & est appel en ascuns lieus *Capitulum vel Capitale argentum*, en ascuns lieus *Certum Lete*, & fuit al primies (come semble) grant al Seign' vers le charge de son purchase del Leet, per que les Resiants avoyent ore un aise pur faire leur Suit royal deins l'Manor, & nemy destre compells d'aler al Tourne le Viscount de faire ceo. Et pur cest Common Fine le Seignior doit prescriber, & ne

Met the one may not put his Cattel in the other's Ground, for so they of the other Town may distrain them Damage feasant, or have an Action of Trespass: but they may put them into their own Fields, and if they stray into the Fields of the other Town, there they ought to suffer them. And the Inhabitants of the one Town ought not to put in as many Beasts as they will, but with Regard to the Freehold of the Inhabitants of the other, for otherwise it were no good Neighbourhood, upon which all this depends.

Common Day in Plea of Land.

Common Day in Plea of Land, Anno 13. R. 2. Stat. 1. cap. 17. signifie an ordinarie Day in the Court, as Octabis Michaelis, Quindena Pasche, &c. as you may see in the Statute 51 H. 3. concerning general Days in the Bench.

Common Fine.

Common Fine is a certain Sum of Money which the Resiants in a Leet pay unto the Lord of the Leet; and it is called in some Places Head-silver, in some Places Certum Lete, and was (as it seems) first granted to the Lord towards the Charge of his Purchase of the Leet, whereby the Resiants had now an Ease to do their Suit royal within the Manor, and not be compelled to go to the Sheriff's Court to do it. And for this Common Fine the Lord must prescribe, and cannot distrain for it.

it without Prescription, as it appears in Godfrey's Case, ii Rep. fol. 44. b.

poit distreïn pur ceo sans Prescription, come appiert en Godfrey's Case, en ii Rep. fol. 44. b.

Common Intendment.

Common Intendment is as much as to say Common Meaning: So a Bar to Common Intendment is an ordinary or general Bar to the Plaintiff's Declaration, Of Common Intendment a Will shall not be said to be made by Collusion. Co. Litt. fol. 78. b. See Intendment.

Common Intendment.

Commun Intendment est tant a dire come Common Meaning. Il sint un Barr al Commun Intendment est un ordinaire ou general Bar al Declaration le Plaintiff. Per Commun Intendment un Volunte ne serra dit d'estre fait per Collusion. Co. Lit. fol. 78. b. Veies Intendment.

Common Law.

Common Law is for the most part taken three Ways. First, For the Laws of this Realm simply, without any other Law, as Customary, Civil, Spiritual, or whatever other Law joined to it; as when it is disputed in our Laws of England, what ought of Right to be determined by the Common Law, and what by the Spiritual Law, or Admiral's Court, or such like.

Common Ley.

Common Ley est pur le plus part prise trois voies. Primerment, pur les Leyes de cest Realm simply, sans aucun autre Ley, come Customarie, Civil, Spiritual, ou quecunque autre Ley joyne a ceo; come quand est dispute en nostre Leyes de Engleterre, quid doit de droit estre determine per le Common Ley, & quid per Spiritual Ley, ou le Court del Admiral, ou tielx semblables.

Secondly, It is taken for the King's Courts, as the King's Bench, or Common Place, only to shew a Difference between them and base Courts; as Customary Courts, Court-Barons, County-Courts, Piepowders, and such like: As when a Plea of Land is removed out of ancient Demesne, because the Land is Frank-fee, and pleadable at the Common Law, that is to say, in the King's Court, and not in Ancient Demesne, or in any other base Court.

Secundariment, il est pris pur les Courts le Roy, come le Bank le Roy, ou Common Place, tantsolement pur monstre un difference perenter eux & les Base Courts; come Customary Courts, Court-Barons, County-Courts, Piepowders, & tielx semblables: Come quand un Plee de terre est remove hors de ancient Demesne, pur ceo que le terre est Frank-fee, & pleadable al Common Ley, c'est a dire, en le Court le Roy, & nemy en ancient Demesne, ou en aucun autre base Court.

Tiercement, & plus usualment, per *Common Ley* est entendue tielx Leyes que fueront generalment prise & tenus pur Ley devant que aucun Statute fuit fait pur alter ceo: Come pur Example, Tenant pur vie, ne pur ans, ne fueront d'estre punish pur fesans Waste al *Common Ley*, tanque le Statute de *Gloucester*, cap. 5. le quel dome un Action de Waste envers eux. Mes Tenant per le curtesie & Tenant en dower fueront punishable pur Waste al *Common Ley*, c'est a dire, per le usual & common received Leys le Realm, devant le dit Statute fuit fait.

Common Plees.

Common Plees est le Court le Roy jammes tenus en le Sale de *Westminster*, mes en ancient temps moveable, sicome appiert per *Mag. Chart.* cap. 11.

Mes Gwyn, en le Preface a son Lecture, dit, Que jesque le temps que Henry le tierce grant le Grand Charter, la fueront forsque deux Courts solement appel les Courts le Roy, de que un fuit l'Eschequer, & l'auter le Banke le Roy, quel fuit appel auxy *Aula Regia*, pur ceo que el ensue le Court; & que sur le grant de cel Charter le Court de *Common Plees* fuit erect & settle en un lieu certain, viz. al *Westminster*; & pur ceo tous les Briefs fueront faits ove cest Returne, *Quod sit coram Justiciariis meis apud Westmonasterium*, ou devant le party fuit command per eux de appearer *coram Me vel Justiciariis meis*, sans aucun

Thirdly, and most usually, by *Common Law* is understood such Lawes as were generally taken and holden for Law before any Statute was made to alter the same: For Example, Tenant for Life, nor for Years, were not to be punished for doing Waste at the *Common Law*, till the Statute of *Gloucester*, cap. 5. which gives an Action of Waste against them. But Tenant by the Curtesie and Tenant in Dower were punishable for Waste at the *Common Law*, that is, by the usual and common received Lawes of the Realm, before the said Statute was made.

Common Pleas.

Common Pleas is the King's Court now held in *Westminster-Hall*, but in ancient Time moveable, as appears by *Mag. Chart.* cap. 11.

But Gwyn, in the Preface to his Reading, saith, That until the Time that Henry the 3d granted the Great Charter, there were but two Courts, only called the King's Courts, the Exchequer, and King's Bench, which was called *Aula Regia*, because it followed the Court; and that upon the grant of that Charter, the Court of *Common Pleas* was erected and settled in a Place certain, viz. at *Westminster*; and therefore all the Writs were made with this Return, *Quod sit coram Justiciariis meis apud Westmonasterium*, where before the Party was commanded by them to appear *coram Me vel Justiciariis*

riis meis, without any Addition of any Place certain.

All Civil Causes, as well Real as Personal, are, or were in ancient Time, tried in this Court, according to the strict Law of the Kingdom: And by Fortescue, cap. 50. it seems to have been the only Court for real Causes. The Chief Judge thereof is called The Lord Chief Justice of the Common Pleas, accompanied with three or four Assistants or Associates, who are created by the King's Letters Patents, and as it were installed or placed upon the Bench by the Lord Chancellor and Lord Chief Justice of the Court, as appears by Fortescue cap. 51. who expresses all the Circumstances of this Admission.

The rest of the Officers appertaining to this Court are these: The Custos Brevium, three Prothonotaries, Chirographer, fourteen Philasers, four Exigenters, Clerk of the Warrants, Clerk of the Juries, Clerk of the Treasury, Clerk of the King's Silver, Clerk of the Essoins, Clerk of the Outlawries.

Commotes.

Commotes seems to be a compound Word of the Preposition Con, and Motte, that is, Disio, Verbum, and signifies in Wales part of a County or Hundred, Anno 28 H. 8. cap. 3. It is written Commoithies, Anno 4 H. 4. cap. 17. and is used for a Gathering made upon the People of this or that Hundred by Welsh Minstrels.

addition de aucun lieu certain.

Touts civil Causes, cybien Real come Persoual, sont, ou fueront en ancien temps, trye en cest Court, accordant al strict Ley del Royaulme: Et per Fortescue cap. 50. il semble daver este le sole Court pur Real Causes. Le primer Judge de ceo est appelle Seignieur Chiefe Justice del Common Pleas, accompany ove trois ou quater Assistants ou Associates, que sont create per Letters Patents del Roy, & sicome fuit enstalle ou place sur le Bank per le Seignieur Chancellor & le Seignieur Chiefe Justice del Court, come appiert per Fortescue, cap. 51. que expresse tous les circonstances de cel Admission.

Le residue des Officers appertinant a cel Court sont ceux; Le Custos Brevium, trois Prothonotaries, Chirographer, dix quater Philasers, quater Exigenters, Clerk des Garrants, Clerk des Juries, Clerk del Treasury, Clerk de Argent le Roy, Clerk des Essoines, Clerk des Utlagaries.

Commotes.

Commotes semble d'estre un parol composit del Preposition Con, & Motte i. e. Disio, Verbum, & signifie en Gales le part d'un Countie ou Hundred, Anno 28 H. 8. cap. 3. Il est escrie Commoithies, Anno 4 H. 4. cap. 17. & est use pur un Colledion fait sur les Gents de ceo ou cest Hundred per Minstrels de Gales.

Communi Custodia.

Communi Custodia est un Brief que gisoit pur cel Seignieur, le Tenant de quel tiendrant per service de Chivaler morust, son eigne firs deins age, envers un estranger, que enter le terre, & obtaine le Gard del Corps. Il semble de prendre le nosme del common Custome ou droit en ceo case, que est, Que le Seignieur avera le Gard de son Tenant jesque son plein age; ou pur ceo, que est common pur recoverie del Terre & Tenant, come appiert per le forme de ceo. *Veil Nat. Brev. 89. Regist. Orig. 161.*

Compromise.

Compromise est un mutual Promise de deux ou plusors parties que sont al controverſie, pur submitter eux mesmes & tous differences enter eux al Agard, Arbitrement, ou Judgment del un ou plusors Arbitrators, enter eux indifferentment es lieux, pur determiner & adjudger des tous matters referres, & sur que les parties differont.

Computation.

Computation est use en le Common Ley pur le voyer & indifferent Construction de temps, isint que ne le un partie ferra tort al autre, ne le determination de temps referre a large, desse prise un voy ou autre, mes compute accordant al droiturel censure de la Ley.

Communi Custodia.

Communi Custodia is a Writ which did lie for that Lord whose Tenant holding by Knight's Service dies, his eldest Son within Age, against a Stranger who entered the Land, and obtained the Ward of the Body. It seems to take Name from the Common Custom or Right in this Case, which is, That the Lord shall have the Wardship of his Tenant until his full Age; or because that it is Common for the Recovery both of the Land and Tenant, as appears by the Form thereof. *Old Nat. Brev. 89. Regist. Orig. 161.*

Compromise.

Compromise is a mutual Promise of two or more Parties that are at Controversie, to submit themselves and all Differences between them unto the Award, Arbitrement, or Judgment of one or more Arbitrators, indifferently chosen between them, to determine and adjudge upon all Matters referred, and upon which the Parties differ.

Computation.

Computation is used in the Common Law for the true and indifferent Construction of Time, so that neither the one Party shall do wrong to the other, nor the Determination of Times referred at Large, be taken one way or other, but computed according to the just Censure of the Law.

If if Indentures of Demise are ingrossed, bearing Date the eleventh Day of May, 1663. to have and to hold the Land in S. for three Years from henceforth, and the Indentures are delivered the fourth Day of June in the Year aforesaid: In this Case, from henceforth, shall be accounted from the Day of the Delivery of the Indentures, and not by any Computation from the Date. And if the said Indenture be delivered at Four of the Clock in the Afternoon of the said fourth Day, this Lease shall end the third Day of June in the third Year; for the Law in this Computation rejects all Fractions or Divisions of the Day, for the Incertainty, which always in the Mother of Contention. So where the Statute of Inrollments made Anno 27 Hen. 8. cap. 16. is, That the Writings shall be inrolled within six Months after the Date of the same Writings indented; if such Writings have Date, the six Months shall be accounted from the Date, and not from the Delivery; but if they want Date, then it shall be accounted from the Delivery. Coke lib. 5. fol. 1.

If any Deed be shewed to a Court at Westminster, the Deed by Judgment of the Law shall remain in Court all the Term in which it is shewed; for all the Term in Law is but one Day. Coke, lib. 5. f. 74.

If a Church be void, and the true Patron doth not present within six Months, then the Bishop of the Diocess may collate his Chaplain: But there

Come si Indentures de Demise sont ingrossé, portant date le unsien jour de May, 1663. de aver & tener le terre en S. pur trois ans de cest temps, & les Indentures sont deliver le quart jour de June en le an avant dit: En cest case, de cest temps, serra account del jour del Deliverie des Indentures, & nemy per ascun computation del Date. Et si le dit Indenture soit deliver al quart de la horologe puis meridie le dit quart jour, cest Leas finiera le tierce jour de June en le tierce an; car la Ley en cest Computation reject tous fractions ou divisions del jour, pur le incertainty, que tous foits est le mere de Contention. Ilint ou le Statute de Enrollments fait Anno 27 H. 8. cap. 16. est, Que les Escripts serront inrolle deins six moyes apres le Date de mesme les Escripts indent, si tiels Escripts ont Date, les six moyes serront account del Date, & nemy del Deliverie: Mes si faut Date, donque il serra account del Deliverie. Coke, lib. 5. fol. 1.

Si ascun Fait est monstre a un Court al Westminster, le Fait per Judgment del Ley remain en Court tout le Terme en que ceo est monstre, car tout le Terme en Ley n'est que un jour. Coke, lib. 5. f. 74.

Si un Esglise happa void & le veray Patron ne presenta deins six moyes, donques le Evêque del Diocess peut collate son Chaplain: Mes

ceux six Moyes ne sera account accordant al vint huit Jours al Moyes, mes accordant al Kalendar. Et la est grand diversitie en nostre common parlance en le singular nombre; come un *Twelve-month*, que include tout l'An solonque le Kalendar, & *Twelve Month*, que sera compute solonque vint huit jours a chescun Moyes. Veies Coke, lib. 6. fol. 61. b.

Computo.

Computo est un Brief issint appel del effect, pur ceo que il enforce un Bailiffe, Chamberlain, ou Receiver, a render son Account. *Viel Nat. Brev. fol. 58.* Il est foundue sur le Statute de *West. 2. c. 2.* le quel pour vostre mieux intelligence vous poyes lier. Et il auxy gist pur Executors de Executors. *15 Edw. 3. Stat. de Provis. Visual cap. 5.* Tiercement, envers le Gardein en Socage, pur Wast fait en le minority del Heire, *Marlb. cap. 17.* Et veies pluis en queux autres cases il gist, *Reg. Orig. fol. 135. Viel Nat. Brev. f. 58. & Fitz. Nat. Brev. fol. 116.*

Concealers.

Concealers sont tiels que trouvent terres conceal, ceo est, tiels terres que sont privement deteine del Roy per common Persons, ne ayant pas ascun chose de monstre pur eux, *Anno 39 El. c. 22.* Ils sont issint appel *a concealando* come *Mors a movendo*, per Antiphrasis.

six Months shall not be computed according to twenty eight Days to the Month, but according to the Kalendar. And there is great Diversity in our Common Speech in the singular Number, as a Twelve month, which includes all the Year, according to the Kalendar, and Twelve Months, which shall be computed according to twenty eight Days to every Month. See Coke, lib. 6. fol. 61. b.

Computo.

Computo is a Writ so called of the Effect, because it compels a Bailiff, Chamberlain, or Receiver, to yield his Account, *Old Nat. Brev. fol. 58.* It is founded upon the Statute of *West. 2. cap. 2.* which you may see for your better understanding read. And it also lies for Executors of Executors. *15 Ed. 3. Stat. de Provis. Visual. cap. 5.* Thirdly, against the Guardian in Socage, for Waste made in the Minority of the Heir, *Marlb. cap. 17.* And see farther in what other Cases it lies, *Reg. Orig. fol. 135. Old Nat. Brev. fol. 58. & Fitz. Nat. Brev. fol. 116.*

Concealers.

Concealers are such as find out Lands concealed, that is, such Lands as are secretly detained from the King by common Persons, having nothing to shew for them, *Anno 39 Eliz. cap. 22.* They are so called *a concealando*, as *Mors a movendo*, by Antiphrasis.

Conclusion.

Conclusion is, when a Man by his own Act upon Record hath charged himself with a Duty or other Thing: As if a Free-man confess himself to be the Villain of A. upon Record, and afterward A. takes his Goods, he shall be concluded to say in any Action or Plea afterwards that he is free, by Reason of his own Confession. So if the Sheriff, upon a Capias to him directed, returns that he hath taken the Body, and yet hath not the Body in Court at the Day of the Return, he shall be amerced: And if it were upon a Capias ad satisfaciend', the Plaintiff may have his Action against the Sheriff for the Escape; for by such Return, the Sheriff hath concluded himself.

And this Word Conclusion is taken in another Sense, as for the End or latter Part of any Declaration, Bar, Replication, &c. As where to the Bar there ought to be a Replication, the Conclusion of his Plea shall be, And this he is ready to affirm. If in Dower the Tenant pleads, that he was never seised so as to render Dower, the Conclusion shall be, And upon this he puts himself upon the Country. And in what Manner the Conclusion shall be according to the Nature of several Actions, see Kirch. f. 219, 220, &c.

Concord.

Concord is defined to be the very Agreement between Parties that intend the levying a Fine of Lands one to another, how and in what

Conclusion

Conclusion est, quand home per son fait demesne sur record ad charge luy mesme ove ascun Duty ou auter chose: Come si home que est Frank confesse luy mesme d'estre Villain de A. sur record, & apres A. prist ses biens, il serra conclude a dire en ascun Action ou Plee en apres que il est Frank, per Reason de son confession demesne. Ilint si le Viscount, sur un Capias a luy direct, return quod Cepit Corpus, & uncore nad le corps en Court al jour del Return, il serra amerce: Et sil fuit sur un Capias ad satisfaciend'. le Plaintiff poet aver son Action envers le Viscount pur le Escape; car per tiel Retourne le Viscount ad conclude luy mesme.

Et cest parol Conclusion est prist en un auter sens, come pur le Fine ou darrein part de ascun Declaration, Barre, Replication, &c. Come ou al Barre covient estre un Replication, le Conclusion de son Plee serra, Et hoc paratus est verificare. Si en Dower le Tenant pleda, ne unques seisie que Dower doit render, le Conclusion serra, Et de hoc ponit se super Patriam. Et en quel manner le Conclusion serra accordant al nature des several Actions, veies Kirch. f. 219, 220, &c.

Concord.

Concord est define d'estre le voyer Agreement entre Parties que entendent le levying de un Fine de Terres un al auter, quel voy & en quel

quel manner les Terres seront passe: Car en le forme de ceo plusors choses sont d'estre consider. Vide *West. part 2. tit. Fines & Concozds, sect. 30.*

Concord est auxy un Agreement fait sur ascun Trespasse commit, perenter deux ou plusors, & est divide en un Concord Executorie, & Execute. Vide *Plow. Casu Reniger & Fogasse, fol. 5 & 6.* ou il appear per le opinion de ascuns, Que l'un ne lia pas, come estean defective; l'auter, estean absolute, oblige les Parties. Et uncore per le opinion de auters, en mesme le Case, il affirm, Que Concozds Executorie sont perfect, & ne meynes l'yeront pas que Concozds Executed, fol. 8. b.

Est teign de tardiffe temps, que entant que Actions sur assumpts sont ore en use queux fueront rare devant le reigne de Roy H. 8. que ore un accord ove un assumpt sur quel un Action gist est bone Plea en tous ceux Actions, a queux ceo devant fuit bone Plea si fuit execute.

Concubinage.

Concubinage est un Exception vers luy que port Action pur sa Dower, per que ill est alledge, Que el ne fuit loyalment espouse al Partie en queux Terres el quere d'estre endowe, mes son Concubine. *Brit. cap. 107. Brit. lib. 4. tract. 6. cap. 8.*

Banner the Lands shall be passed; for in the Form thereof many Things are to be considered. See *West. part 2. tit. Fines and Concozds, sect. 30.*

Concord is also an Agreement made upon any Trespass committed, between two or more, and is divided into a Concord Executory, and Executed. See *Plow. in Reniger and Fogasse's Case, fol. 5 & 6.* where it appears by the Opinion of some, That the one doth not bind, as being imperfect; the other, as being absolute, binds the Parties. And yet by the Opinion of others, in the same Case, it is affirmed, That Concozds Executory are perfect, and do not less bind than Concozds Executed, fol. 8. b.

It is lately held, that inasmuch as Actions on Assumpsits are now in Use, which were rarely before the Reign of King H. 8. that now an Accord with an Assumpsit upon which an Action lies, is a good Plea in all those Actions to which it was formerly a good Plea if executed.

Concubinage.

Concubinage is an Exception against her that brings an Action for her Dower, whereby it is alledged, That she was not lawfully married to the Party in whose Lands she seeks to be endowed, but his Concubine. *Brit. cap. 107. Bract. lib. 4. tract. 6. cap. 8.*

Concozds.

Conders.

Conders are those that stand upon high Places near the Sea-coast, at the Time of Herring-fishing, to make signs with Boughs, &c. in their Hands to the Fishers, which May the Shole of Herrings pass: For they who stand upon some high Cliff may see it better than those that are in their Ships. These are otherwise called Huers and Balkers, as appears by the Statute of 1 Jac. cap. 23.

Condition.

Condition is a Restraint or Bridle annexed to a Thing, so that by the not Performance, or not doing of it, the Party to the Condition shall receive Prejudice and Loss, and by the Performance and doing of it, Commodity and Advantage.

All Conditions are either Conditions actual and expressed, which are called Conditions in Deed; or else implied or covert and not expressed, which are Conditions in Law.

Also all Conditions are either Conditions Precedent and going before the Estate, and are executed; or else subsequent and following after the Estate, and Executory.

Condition Precedent doth get and gain the Thing or Estate made upon Condition, by the Performance of it.

Condition subsequent keeps and continues the Thing or Estate made upon Condition, by the Performance of it.

Conders.

Conders sont tiels que estoient sur les alt lieux prochain al coast del Mere, al temps del piscary pur Haleques, a faire signes ove ramaus &c. en leur maines al Piscaters, quel voy le troupe des Haleques passent; car ils que estoient sur ascun alt Petre voyent ceo mieux veier que tiels que sont en leur Neifes. Ceux sont auterment appel Huers & Balkers, come apert per le Statute de 1 Jac. cap. 23.

Condition.

Condition est un Restraint ou Bridle annex al chose, issint que per le non performance, ou non feaisns de ceo, le Partie al Condition recevra prejudice & perde, & per le performance & faire de ceo, commoditie & advantage.

Touts Conditions sont ou Conditions actual & expresse, queux sont appel Conditions en Fait; ou ils sont implicit ou tacite, & nient expresse, les queux sont Conditions en Ley.

Auxy tous Conditions sont ou Conditions precedent & vaient devant l'Estate, & sont executed; ou subsequent & venient apres l'Estate, & executorie.

Le Condition precedent gain & obtrain le Chose ou Estate fait sur Condition, per le performance de le Condition.

Le Condition subsequent gard & continue le chose ou Estate fait sur Condition, per le performance del ycel.

Actual

Actual & expresse Condition, que est appelle un Condition en Fait, est un Condition annexe per expresse parols a Feoffment, Lease, ou Graunt, ou en escript, ou sans escript: Si come jeo enfeoffe un homme en Terres, reseruant Rent destre payed a tiel Feast, sur Condition, que si le Feoffee faile de payment al jour, donques il serra loyal pur moy de re-
enter.

Condition implicite ou tacit est, quant home graunt al autre le Office destre Gardein de un Park, Seneschal, Bedle, Bailif, ou tiels semblables, pur terme de vie: & nient obstant que la ne soit aucun Condition expresse en le Graunt, uncore le Ley parle covertment de un Condition, quel est, Que si le Grantee ne executa pas tous points apperteignont a son office, per luy mesme ou son sufficient Deputy, donque serra loyal pur le Grantor de enter, & discharge luy de son Office.

Condition precedent est, quant un Lease est fait al un pur vie, sur Condition, Que si le Lessee voyle payer al Lessor xx l. a tiel jour, donques il avera Fee simple: icy le Condition precede l'Estate en Fee-simple, & sur le performance de Condition gain Fee-simple.

Condition subsequent & veniens apres, est, quant un grant a J. S. son Manor de Dale en Fee-simple, sur Condition, Que le Grantee payer a luy a tiel jour xx l. ou autrement que son Estate

Actual and expresse Condition, which is called a Condition in Deed, is a Condition annexed by expresse Words to the Feoffment, Lease, or Grant, either in writing, or without writing: As if I infeoff a Man in Lands, reserving a Rent to be paid at such a Feast, upon Condition, that if the Feoffee fail of payment at the Day, then it shall be lawful for me to re-enter.

Condition implied or Covert is, when a Man grants to another the Office to be Keeper of a Park, Steward, Bedle, Bailiff, or such like, for Term of Life: And though there be no Condition at all expressed in the Grant, yet the Law speaks covertly of a Condition, which is, That if the Grantee doth not Execute all Points appertaining to his Office, by himself or his sufficient Deputy, then it shall be lawful for the Grantor to enter, and discharge him of his Office.

Condition precedent is, when a Lease is made to one for Life, upon Condition, That if the Lessee will pay to the Lessor xx l. at such a Day, then he shall have Fee-simple: Here the Condition precedes the Estate in Fee-simple, and upon the Performance of the Condition doth gain the Fee-simple.

Condition subsequent, and coming after, is, when one grants to J. S. his Manor of Dale in Fee-simple, upon Condition, That the Grantee shall pay to him at such a Day xx l. or else that his Estate shall

shall cease; here the Condition is subsequent and following the Estate in Fee, and upon the performance thereof doth continue the Estate.

He who will take Advantage of a Condition ought to be Party or privy to it, Doct. & Stud. cap. 20, 24.

See more of this in Coke lib. 3. f. 64. and in Lit. lib. 3. cap. 5. and Perkins in the last Title of Conditions

Confederacy.

Confederacy is, when two or more confederate themselves to do any Hurt or Damage to another, or to do any unlawful Thing. And though a Wit of Conspiracy doth not lie, if the Party be not indicted, and in lawful manner acquitted, for so are the Words of the Wit; yet false Confederacy between divers Persons shall be punished, though nothing be put in Ure; and this appears by the Book of 27 Assis. placit. 44. where there is a Note, That two were indicted of Confederacy, each of them to maintain other, whether their Matter were true or false, and though nothing was supposed to be put in Ure, the Parties were put to answer, because this Thing is forbidden in the Law. So in the next Article in the same Book, Enquiry shall be made of Conspirators and Confederators, which bind themselves together, &c. falsely to endite or acquit, &c. the Manner of their binding, and between whom: Which proves also that Confederacy to indict or acquit, although no-

cessera; icy le Condition est subsequent & ensuant le Estate en Fee, & sur le performance de ycel continue l'Estate.

Cestuy qui voit prendre advantage de un Condition doit estre Party ou privy al ceo. Doct. & Stud. cap. 20, 24.

Veies plus de ceo en Coke lib. 3. f. 64. & en Lit. lib. 3. cap. 5. & Perkins Titulo ultimo de Conditions.

Confederacy.

Confederacy est, quant deux ou plusors luy mesmes confedere de faire ascun male ou damage al auter, ou de faire ascun chose illoyal. Et coment que Brief de Conspiracy ne gist, sinon que le Partie soit endite, & en loyal manner acquite, car issint sont les parols del Breve; uncore faux Confederacie inter divers persous serra punie, comment que nul chose soit mise en ure: & ceo appiert per le Livre de 27 Assis. placit. 44. ou la est un note, Que deux fueront endite de Confederacie, chescun de eux a maintain auter, le que lour metter soit veray ou faux; & nient obstant que nul chose soit suppose estre mise en ure, les parties fueront mis a responder, pur ceo que ceo chose est defendue en la Ley. Issint en le prochain Article en mesme le Livre, Enquirie serra fait de Conspirators & Confederators, que soy enter eux ils liont, &c. de fausement endite ou acquitte, &c. le manner del alliance, & enter queux; quel prove auxy, que Confederacie de enditer ou acquitter, comment que rien

rien soit execute, est punissable per le Ley. Et est desiré observe, que ceux Confederacies punissable per Ley devant que ils font execute, covient de aver quater incidents: Primerment, estre declare per ascun matter de prosecution, come per feasant de Bonds ou Promises l'un a l'autre; secondement, estre malicious, come pur unjust Revenge; tiercement, estre faux encount' un innocent; & dernierment, estee hors de Court, voluntariment.

Confession del Offence.

Confession del Offence est, quant un Prisoner est appeal ou indite de Treason ou Felonie & trahe al Barre destre arraigne, & son Indictment est lie a luy, & il est demande per le Court que il voile dire a ceo; donque ou il confesse le Offence & le Indictment destre voyer, ou il estrange luy mesme del Offence, & plede Nient culpable, ou autrement done un indirect respons, & issint en effect estoia mute.

Confession poit estre fait en deux sorts, & a deux several fines. L'un est, il poit confesse le Offence de que il est indict appiement en le Court devant le Judge, & submit luy mesme al censure & Judgement de Ley; quel Confession est le plus certain que poit estre deliver al Judge a condamner le Offendor, issint que il proceda frankment & de son volunt demesne, sans ascun menace, force, ou extremitie use;

thing he done, is punishable by the Law. And it is to be observed, that this Confederacy punishable by Law before it be executed, ought to have four incidents: First, to be declared by some Matter of Prosecution, as by making of Bonds or Promises the one to the other; Secondly, To be malicious, or for unjust Revenge; Thirdly, To be false against an Innocent; and lastly, To be out of Court, voluntarily.

Confession of Offence.

Confession of Offence is, when a Prisoner is appealed or indicted of Treason or Felony, and brought to the Bar to be arraigned, and his Indictment is read unto him, and he is demanded by the Court what he can say thereto; then either he confesses the Offence and the Indictment to be true, or he estranges himself from the Offence, and pleads Not guilty, or else gives an indirect Answer, and so in Effect stands mute.

Confession may be made in two Sorts, and to two severall Ends. The one is, he may confess the Offence whereof he is indicted openly in the Court before the Judge, and submit himself to the Censure and Judgment of the Law: which Confession is the most certain Answer and best Satisfaction that may be given to the Judge to condemn the Offender, so that it proceeds freely and of his own Accord, without any Threats, Force or Extremitie used; For if the Con-

fession

cession arise from any of these Causes, it ought not to be recorded. As a Woman was indicted for the felonious taking of Bread to the Value of two Shillings, and being there of arraigned, she confessed the Felony and said, That she did it by the Commandment of her Husband: and the Judges in pity would not record her Confession, but caused her to plead Not guilty to the Felony: whereupon the Jury found, that she stole the Bread by the Compulsion of her Husband against her Will, for which Cause she was discharged. 27 Affis. placit. 50.

The other kind of Confession is, when the Prisoner confesses the Indictment to be true, and that he hath committed the Offence whereof he is indicted, and then becomes an Approver, that is, an Accuser of others who have committed the same Offence whereof he is indicted, or other Offences with him; and then prays the Judge to have a Coroner assigned him, to whom he may make Relation of those Offences, and the full Circumstances thereof.

There is also a third kind of Confession made by an Offender in Felony, which is not in Court before the Judge, as the other two are, but before a Coroner in a Church or other privileged Place, upon which the Offender, by the ancient Law of the Realm, is to abjure the Realm.

car si le Confession surde de aucun de ceux causes, il ne doit estre recorde. Come feme fuit indiët pur le felonious embleer de Pane al value de 2 s. & esteant de ceo arraigne, el confesse le Felonie, & dit que el ceo fait per le commandement de sa Baron; & les Judges en compassion ne voillent recorder sa Confession, mes cause luy de pleader Non culpable al Felonie: sur quo le Jurie trove que el emblee le Pane per le compulsion de sa Baron encounter sa volunt, per quel matter el fuit discharge. 27 Affis. placit. 50.

L'auter sort de Confession est, quand le Prisoner confesse l'Endiëtment destre voyer, & que il ad commit le Offence de que il est endiët, & donque devient un Approver, cest adire, un Accuser de auters queux ont commit mesme le Offence de que il est endiët, ou auters Offences ove luy; & donque pria le Judge daver un Coroner assigne a luy, a que il poit faire relation de ceux Offences, & del pleine circumstances de eux.

La est auxy un tierce sort de Confession fait per un Offendor en Felonie, que nest en Court devant le Judge, come l'auters deux sont, mes devant le Coroner en un Esglise ou auter lieu privilege, sur que l'Offendor per l'ancien Ley del Royaulme est de faire son abjuration hors del Royaulme.

Confirmation.

Confirmation.

Confirmation est, quand un que avoit droit al ascun Terres ou Tenements fait un Fait a un autre que avoit ent le possession ou ascun estate, ovesque ceux parolx, *Ratificasse, Approbasse, Confirmasse*, ove entent de enlar-ge son estate ou faire son possession perfect, & nient defeasible per luy que fait le Confirmation, ne per ascun autre que poit aveigner a son droit.

Dont veies plus en *Lit. lib. 3. cap. 9. de Confirmation.*

Confiscate.

Confiscate, cest parol est prise del *Latin* parol *Fiscus*, que originahment signifie un Hanaper ou Fraile, mes per implication le Treasure del Sovereaigne, par ceo que en veiel temps il fuit mis en Hanapers ou Frailes, Et nient obstant que nostre Roy ne mis son Treasure en tiels choses, uncore come les *Romans* ont dit, que tiels biens que fueront forfeit al Treasure del Emperor esteant *Bona Confiscata*, en mesme le manner nous diomus de tiels biens que sont forfeit al Eschequer de nostre Roy. Et le title de aver ceux biens est done al Roy per le Ley, quand ils ne sont claime per ascun aut; Come si home soit indite, que il feloniouslyment emblee les biens dun aut home, lou en veritie ils sont les proper biens l'enditee, & ils sont mises en Court vers luy come le maner est, & la demand est deluy, que il dic as dits biens, as queux il d'sclaima; per cel Disclaimer il perdra les biens, coment

Confirmation.

Confirmation is, when one who hath Right to any Lands or Tenements makes a Deed to another who hath the Possession or some Estate, with these Words *Ratificasse, Approbasse, Confirmasse*, with Intent to enlarge his Estate, or make his Possession perfect, and not defeasible by him that makes the Confirmation, or by any other that may have his Right.

Whereof see more in *Lit. l. 3. cap. 9. of Confirmation.*

Confiscate.

Confiscate is derived from the *Latin* *Fiscus*, which originally signifies a Hamper or Basket, but metonymically the Prince's Treasure, because in ancient Time it was put in the Hampers or Fraills. And though our King doth not put his Treasure in such things, yet as the Romans have said, That such Goods as were forfeited to the Emperors Treasury were *Bona Confiscata*, in like manner do we say of such Goods as are forfeited to the King's Exchequer. And the Title to have these Goods is given to the King by the Law, when they are not claimed by some other: As if a Man be indicted, that he feloniously stole the Goods of another Man, where in Truth they are the proper Goods of him indicted, and they are brought in Court against him as the manner is, and he is there asked what he says to the said Goods; to which he disclaims: By this Disclaimer he shall lose the Goods, although that afterwards

wards he be acquitted of the Felony, and the King shall have them as confiscated. But otherwise it is, if he doth not disclaim them.

The same Law is where Goods are found in the Felon's Possession, which he disavows; and afterwards is attainted of other Goods, and not of them; there the Goods which he disavows are confiscate to the King: But had he been attainted of the same Goods, they should have been said to be forfeited, and not confiscate, notwithstanding his Disavowment. So if an Appeal of Robbery be brought, and the Plaintiff leaves out some of the Goods, he shall not be received to enlarge his Appeal; and forasmuch as there is none to have the Goods so left out, the King shall have them as confiscate, according to the old Rule. *Quod non capit Christus, capit Fiscus*. And as in the Case aforesaid the Law punishes the Owner for his Negligence and Connivency, so the Law abhors Malice, in seeking the Blood of any without just Cause. And therefore if A. hath the Goods of B. by Delibery, or finding, and B. brings an Appeal against A. for taking them feloniously, and it is found that they were the Plaintiff's Goods, and that the Defendant came lawfully by them; in this Case the Goods are confiscate to the King, because of the false and malicious Appeal.

See more in Staundf. pl. Cor' l. 3. cap. 24. 3. Inst. fol. 227.

que apres ils soit acquite del Felonie, & le Roy eux avera come confisque. Mes autrement est, sil ne disclayma eux.

Mesme le Ley est ou biens sont troves en le possession dun Laron, queux il disavowa, & puis est atteint de aut's biens, & nemy de ceux; icy les biens queux il disavowa sont al Roy confisques: Mes ussoit il este atteint de mesmes les biens, ils seroient aver este appellees *forfaits*, & nemy *confisques*, nient obstant son Disavowment. Issint si Appeal de Robberie soit port, & le Plaintiff interlessa ascun de ses biens, il ne serra receive de enlarger son Appeale; & entant que nul est icy daver les biens issint interlesse, le Roy eux avera come confisque, accordant al veil dir, *Quod non capit Christus, capit Fiscus*. Et come en le case avantdit le Ley punie le owner pur son negligence ou connivencie, issint le Ley abhorre malice, en querance le sanke ascun sans just cause. Et pur ceo si A. ad les biens de B. per bailment, ou trover, & B. port Appeale vers A. pur prender eux feloniously, & est trove que eux furent les biens le Plaintiff, & que le Defendant vient a ceux loyallyment; en cest case ceux biens seront confisque al Roy pur le faux & malicious Appeale.

Veies plus en Staundf. pl. Cor' l. 3. cap. 24. 3. Inst. fol. 227.

Congeable.

Congeable veigne del parol Francois *Conge*, id est, *venia*, & signifie en nostre Common Ley tant come loyal, ou loyalment fait; & issint est use per Littleton en son 410. sect. lou il dit, que l'Entry del Disseisee est congeable.

Conge de Accorder.

Conge de Accorder signifie license de accorder, de quel mention est fait en le Statute de Fines, 18 E. 3. en ceux parols. Quant le Original Brief est deliver en le presence des Parties devant les Justices, un Pleader dira ceo. *Sir Justice, conge de accorder.* Et le Justice dirra a luy, *Que dit Sir P. & nommera un des Parties, &c.*

Conge d'essire.

Conge d'essire, *Venia eligendi*, est le Permission Royal de Roy a ascun Deane & Chapter en temps de Vacation d'essire un Evesque; ou a un Abbey ou Priorie de son foundation demesne, de essire leur Abbot ou Prior. *Fitz. Nat. Brev. fol. 169. b. 170. b. c. &c.* Monsieur Gwyn en le Preface a ses Lectures dit, Que le Roy de Angleterre, come Sovereaine Patron de tous Archievesqueries, Evesqueries. & auters Benefices Ecclesiastical. ad de ancient temps frank disposition de tous Dignities Ecclesiastical, oucunque ils happa destre void, investant eux primerment *per baculum & annulum*,

Congeable.

Congeable comes of the French Word *Conge*, id est, *venia*, and signifies in our Common Law as much as lawfull, or lawfully dane; and so Littleton uses it in his 410. Sect. where he says, that the Entry of the Disseisee is congeable.

Conge de Accorder.

Conge de Accorder signifies leave to accord, of which mention is made in the Statute of Fines, 18 E. 3. in these Words. When the original writ is delivered in presence of the Parties before the Justices, a Pleader shall say this, *Sir Justice, conge de accorder.* And the Justice shall say to him, *What saith Sir P. and shall name one of the Parties, &c.*

Conge d'essire.

Conge d'essire, (i. leave to chuse, or Power of chusing) is the King's Royal Permission to any Dean and Chapter, in Time of Vacancy, to chuse a Bishop; or to an Abbey or Priory of his own Foundation, to chuse their Abbot or Prior. *Fitz. Nat. Brev. fol. 169. b. 170. b. c. &c.* Master Gwyn in the Preface to his Readings saith, That the King of England, as Sovereign Patron of all Archbishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient Time free Disposition of all Ecclesiastical Dignities whensoever they happened to be void, investing them first *per baculum & annulum*, and afterwards

wards by his Letters Patents; and that in Progress of Time they gave Power to others to make Election under certain Forms and Conditions; as, namely, that they upon every Vacation should beg of the King Conge d' eslire, that is, License to proceed to Election, and after to crave his Royal Assent, &c. And farther he affirms, by good Proof out of the Common Law Books, that King John was the first that granted it, and that it was afterward confirmed by Westm. 1. cap. 1. which Statute was made Anno 3 E. 1. and again by the Statute de Art. Cleri, cap. 2. which was ordained Anno 25 E. 3. Stat. 3.

Conjuration.

Conjuration is a Compact or Plot made by Men combining themselves together by Oath or Promise to do any publick harm. But it is more commonly used for such as have personal Conference with the Devil or evil Spirit, to know any Secret, or to effect any Purpose. Anno 5 Eliz. c. 16. And the Difference between Conjuration and Witchcraft may be this: Because the one seems by Prayers and Invocation upon the powerful Name of God, to compel the Devil to say or do what he commands; and the other doth it rather by a friendly and voluntary Conference or Agreement between him or her, and the Devil or Familiar, to have his or her Desires and Purposes effected, instead of Blood or other Gift offered him, especially of his or her Soul. And both these

& puis per ses Letters Patents; & que en progresse de temps ils done poyer as autres a fair Election south ascun formes & conditions; come nosmement, que ils a chescun Vacation demandront del Roy Conge d' eslire, cest ascavoir, license a procede al Election, & puis de obsecrer son Royal Assent, &c. Et ouster il affirm per bone probation hors des Livres del Common Ley, que le Roy Jean fuit le primer que granta ceo, & que il fuit puis confirme per Westm. 1. cap. 1. quel Statute fuit fait Anno 3 E. 1. & arere per le Statute de Art Cleri. cap. 2. que fuit ordaine Anno 25 E. 3. Stat. 3.

Conjuration.

Conjuration est un Compact ou Plot fait per homes combinant eux mesmes ensemble per serement ou parol a fair ascun publique leide. Mes il est plus communement use par tiels queux ont personal Parlançe ove le Diable ou male Esprit, a cognostre ascun secret, ou de faire ascun chose. Anno 5 Eliz. c. 16. Et le difference perenter Conjuration & Witchcraft poit estre ceo: Pur ceo que l'un semble per Orizons & Invocation sur le potent Nomsme de Dieu, de compeller le Diable a dire ou faire que il luy command; & l'aut' fait plus per un amicable & voluntarie Parlançe ou Concord perenter luy ou el, & le Diable ou Esprit, daver sa ou son volunt & choses effect en lieu de sangue ou aut' donc offer a luy, primerment de son ou sa Alme. Et ambideux ceux

M a differ.

differont de *Enchantments* ou *Sorceries*, pur ceo que sont personal Parlances ove le Diable, come est dit; mes ceux sont forsque Medicines & ceremonial formes de parols, communement appel *Charms*, sans apparition.

differ from *Enchantment* o *Sorceries*, because they are personal Conferences with the Devil, as is said; but these are but Medicines and ceremonial Forms of Words, commonly called Charms, without Apparition.

Conservator del Peace.

Conservator del Peace est celuy que ad un especial charge per vertue de son Office a veier le Peace le Roy observe. Quel Peace en effect est define destre, Un detention ou abstinence de cel injurious force & violence que homes irregular & indomit sont en leur natures apt de user envers auters, sinon que ils fuer' restrain per Leys & pavor de Castigac'. De ceux Conservators Lambard ouster dit, Que devant le temps del Roy Ed. 3. que primerment constitute Justices del Peace, la fuer' divers Persons que per le Common Ley avera interest en le gardiancy del Peace. De ceux, ascuns ont ceo charge come incident a leur Offices, & issint include deins mesme, nient obstant ils fueront appel per le nosme de leur Office solement: ascun auters ont ceo solement, come de luy mesme, & fuer' de ceo nosme *Custodes Pacis*, Gardians ou Conservators del Peace. Et ceux ambideux sorts sont areres subdivide per Lambard en son *Eirenarcha*, lib. 1. cap. 3.

Conservator of the Peace.

Conservator of the Peace is he that hath an especial Charge, by Virtue of his Office to see the King's Peace kept. Which Peace, in Effect, is defined to be, A withholding o' Abstinence from that injurious Force and Violence that unruly and boisterous Men are in their Natures prone to use towards others, were they not restrained by Laws and Fear of Punishment. Of these Conservators Lambard farther saith, That befoze the Time of King Ed. 3. who first appointed Justices of the Peace, there were sundry Persons who by the Common Law had Interest in keeping of the Peace. Of those, some had that Charge as incident to their Offices, and so included within the same, and yet notwithstanding were called by the Names of their Office only: others had it simply, as of it self, and were thereof named *Custodes Pacis*, Wardens o' Conservators of the Peace. And both these Sorts are again subdivided by Lambard in his *Eirenarcha*, lib. 1. cap. 3.

Conservator.

Conservator of the Truce.

Conservator of the Truce was an Officer appointed in every Port of the Sea, under the King's Letters Patents; and had 40 l. for his yearly Stipend at the least. His Charge was to enquire of all Offences done against the King's Truce and Safe Conducts upon the main Sea, out of the Counties and Liberties of the Cinque-Ports of the King, as the Admirals have accustomedly done; and such other Things as are declared Anno 2 H. 5. cap. 6. Touching this Matter you may read the other Statute of Anno 4 H. 5. cap. 7.

Consideration.

Consideration is the material Cause of a Contract, without which no Contract can bind the Party. This Consideration is either expressed, as when a Man bargains to give Twenty Shillings for an Horse: Or is implied, as when the Law it self enforces a Consideration; as if a Man comes into a Common Inn, and there staying some Time, takes Meat or Lodging, or either, for himself or his Horse, the Law presumes he intends to pay for both, notwithstanding that nothing be covenanted between him and his Host; and therefore if he discharges not the House, the Host may stay his Horse.

Also there is Consideration of Nature and Blood, and valuable Consideration: And therefore if a Man be indebted to divers others, and yet in Consideration of natural Affection,

Conservator del Truce.

Conservator del Truce fuit un Officer constitute en chescun Port del Mere south les Letters Patents del Roy, & ad 40 l. pur son annual Salarie al meins. Son charge fuit de enquirir de tous Offences faits envers le Truce & Safe-conducts del Roy sur le plein Mere, hors des pais & hors des Franchises del Cinque-Ports le Roy, come les Admirals de custome ont use de faire: & tiels auter choses come sont declare Anno 2 H. 5. cap. 6. Touchant cest chose poyes lier l'auter Statute de Anno 4 H. 5. cap. 7.

Consideration.

Consideration est l'essential cause de un Contract, sans le quel nul Contract poit lier les Parties. Ceo Consideration est ou expresse, sicome quant un home bargaine a done Vint Soulz pur un Chival: ou est imply, sicome quant le Ley mesme enforce un Consideration; come si un home vient en un common Hostel, & la comorant ascun temps, prist viands & gisure, ou ascun, pur luy mesme ou son Chival, le Ley presume que il intend a payer pur ambideux, nient obstant riens soit covenant pe-renter luy & son Hostler, & pur ceo sil ne dscharge pas le meason, le Hostler poit retaine son Chival.

Auxy la est Consideration de Nature & Sanke, & valuable Consideration: & pur ceo si home soit endet a divers auters, & nient obstant, en Consideration de

natural affection. done tous ses Biens a son Fils ou Cousin, ceo serra entend destre un fraudulent Done deins l'Act de 13 Eliz. cap. 5. pur ceo que cest Act entend un valuable Consideration.

Consistory.

Consistory est un parol emprunt del Italiano, ou puis tost Lombards, & signifie tant come *Pratorium*. Est vocabulum utriusque Juris, & est use pur le lieu del Justice en les Courts Espirituals ou Christians. Chescun Archevesque, ou Evesque ad un Consistory Court, tenu devant son Chancellor ou Commissarie, en son Esglise Cathedral, ou auter convenient Lieu de son Diocese, pur tryer de Causes Ecclesiastical. 4 Inst. fol. 338.

Consolidation.

Consolidation est use pur le combining & unificence de deux Benefices en un: & cest parol est prise de le Ley Civile, ou il proprement signifie un uniting del Possession, Occupation, ou Profit, ove le Propertie. Come si home ad per Legacie *usumfructum fundi*, & puis purchase le Propertie ou Fee-simple del Heir; en cest case un Consolidation est fait des Profits & Propertie. Vide Brook, tit. Union.

Conspiracie.

Conspiracie, nient obstant que en Latine & Francois est use pur un Agreement des homes a faire un chose bone ou male, uncore il est communement prise en nostre Ley en le male part; & est define en 34 E. 1. Stat. 2. destre un

gibes all his Goods to his Son or Cousin, this shall be construed a fraudulent Gift within the Act of 13 Eliz. cap. 5; because this Act intends a valuable Consideration.

Consistory.

Consistory is a Word borrowed of the Italians, or rather Lombards, and signifies as much as Tribunal. It is vocabulum utriusque Juris and is used for the Place of Justice in the Courts Christian or Spiritual. Every Archbishop, and Bishop hath a Consistory Court, held before his Chancelor or Commissary, in his Cathedral Church, or other convenient Place of his Diocese, for Trial of Ecclesiastical Causes. 4 Inst. fol. 338.

Consolidation.

Consolidation is used for the combining and uniting of two Benefices in one: And this Word is taken from the Civil Law, where it properly signifies an uniting of the Possession, Occupation, or Profit, with the Property. As if a Man hath by Legacy *usumfructum fundi*, and after purchases the Property or Fee-simple of the Heir; in this Case a Consolidation is made of the Profits and Property. Vide Brook, tit. Union.

Conspiracy.

Conspiracy, notwithstanding that in Latin and French it is used for an Agreement of Men to do a good or evil Thing, yet it is commonly taken in our Law in the evil Part; and is defined in 34 E. 1. Stat. 2. to be an Agreement of

of such as confederate or bind themselves by Oath, Covenant, or other Alliance, that every of them shall bear and aid the other falsely and maliciously to indict, or falsely to move or maintain Pleas; and also such as cause Children within Age to appeal Men of Felony, whereby they are imprisoned and sore grieved; and such as retain Men in the County with Liberties and Fees to maintain their malicious enterprises: And this extends as well to the takers, as to the givers. Also Stewards and Bailiffs of great Lords, who by their Seigniorie, Office or Power, undertake to hear or maintain Quarrels, Pleas or Debates, that concern other Parties than such as touch the Estate of their Lords, or of themselves. Anno 4 Ed. 3. cap. 11. 3 Hen. 7. cap. 13. And hereof see more, 1 Hen. 5. cap. 3. 18 Hen. 6. cap. 12. also in the Old Book of Entries, Word Conspiracy.

This Word in the Places before rehearsed is taken more generally, and is confounded with Maintenance and Champerty; but in a more special Signification it is taken for a Confederacy between two or more, falsely to indict one, or to procure one to be indicted of Felony. And the Punishment of Conspiracy upon an Indictment of Felony at the Suit of the King is, That the Party attainted shall lose his Frank-Law, so that he shall not be impanelled upon Juries or Assizes, or such like Employments, for testifying of the Truth: And if he hath to do in

Agreement de tiels que confederont ou lieront eux mesmes per serement, Covenant, ou aut' alliance que chescun de eux portera & aidera l'auter fausement & maliciousment de enditer, ou fausement a mover ou maintenir Plees; & aux tiels que causant Enfants deins age de appealer homes de Felony, per que ils sont imprison & durement grieve; & tiels que reiteignent gentes en le Pais ove Liveries ou Fee de maintenir leur Actions malicious: Et ceo extend cybien a le prisors, come les donors. Aux Seneschals & Reeves de grand Seigniors, que per leur Seigniorie, Office ou poyar, assume de port ou maintenir Quarrels, Plees ou Debates, que concernont aut' parties que tiels que touchant l'Estate de leur Seignior, ou de eux mesmes. Anno 4 E. 3. c. 11. 3 H. 7. c. 13. Et de ceo veies pluis 1 H. 5. c. 3. 18 H. 6 c. 12. auxy en le veiel Livre de Entries verb. Conspiracy.

Cest parol en les lieux devant rehearse est prise pluis generalment, & est confound ove Maintenance & Champerty; mes en un pluis special signification il est prise pur un Confederacie perent' deux ou plusors, fausement de endit' un, ou de procurer un destre endict' de Felony. Et le punishment de Conspiracie sur un Indictment de Felony al Suit le Roy est, Que le party attaint perdera son Frank-Ley, al entent que il ne soit impannel sur Juries ou Assises, ou tiels semblable employments, pur le testification del voyertie: Et sil ad a fair en le Court le Roy, que il

fait son Attorney; & que ses Terres, Biens & Chattels sont seise en les mains le Roy, ses Terres estreape, ses Arbres defosse, & son Corps commise al Prison. 27 lib. *Affise* 59. *Crompton* 156. b. ceo est appel villanous Judgment. Mes si le Partie grieve voyle suer un Brief de Conspiracie, donque veies *Fitz. Nat. Brev.* 114. d. 115. i. *Et. Crompton Jurisdic.* 209. Reg. 134.

Constable.

Constable est diversment use en le Common Ley. Et primerment, le Constable de Angleterre, que est auxy appel Marshal, *Staundf. Pl. Cor. f. 65.* de l'Autoritie & Dignitie de quel home poit trover plusors Arguments & Signs, cybien en les Statutes, come les Chronicles de ceo Royalm. Son Poyer consist en le care del common Peace del Terre. en Faits marshal, & choses de Chivalry, *Lamb. Dutie de Constab. numb. 4.* ove que agree le Statute de 13 R. 2. cap. 2. Stat. 1. De ceo Officer ou Magistrate, *Gwyn*, en le Preface a ses Lectures, dit a tiel effect; Le Court de Constable & Marshal finist Contracts touchant faits de Chivalrie hors del Royalm, & treat choses concernont Guerres deins le Royalm, come Combats, Blasons de Armory, & tiels semblables; mes il nad a faire ove Battel en appeale, ne generalment ove aucun autre chose que poit estre trie per les Leyes de Terre. Veies *Fortescue*, cap. 32. Cest Officer en temps par devant fuit ap-

the King's Court, he shall make his Attorney; and his Lands, Goods and Chattels shall be seised into the King's Hands, his Lands estreaped, his Trees digged up, and his Body committed to Prison. 27 lib. *Affise* 59. *Crompton* 156. b. this is called villanous Judgment. But if the Party grieved will sue a Writ of Conspiracy, then see *Fitz. Nat. Brev.* 114. d. 115. i. *Crompr. Jurisdic.* 209. Reg. 134.

Constable.

Constable is diversly used in our Common Law. And first, the Constable of England, who is also called Marshal, *Staundf. Pl. Cor. f. 65.* of whose Authority and Dignity a Man may find many Arguments and Signs, as well in the Statutes, as in the Chronicles of this Realm. His Power consists in the Care of the Common Peace of the Land, in deeds of Arms, and Matters of war, *Lamb. Duty of Constables numb. 4.* where with agrees the Statute of 13 R. 2. cap. 2. Stat. 1. Of this Officer or Magistrate, *Gwyn*, in the Preface to his Readings, saith to this Purpose; The Court of the Constable and Marshal determines Contracts touching deeds of Arms out of the Realm, and handles Things concerning Wars within the Realm, as Combats, Blazons of Armory, and such like; but he hath nothing to do with Battel in appeal, nor generally with any other Thing that may be tried by the Law of the Land. See *Fortescue*, cap. 32. This Office heretofore was appertain-

ing to the Lords of certain Manors *Jure feudi*; and why it is discontinued, see Dyer 285. pl. 39.

Out of this Magistracy (saith Lambard) were drawn these inferior Constables, which we call Constables of Hundreds and Liberties, and first ordained by the Statute of Winchester, 13 Edw. 1. which appoints for the Conservation of the Peace, and view of Armour, two Constables in every Hundred and Liberty; and these are at this Day called High Constables, because the increase of People and Offences hath again under these made others in every Town, called Petty Constables, who are of the like Nature, but of inferior Authority to the other.

Besides these, there are Officers of particular places called by this name; as Constable of the Tower, Staundf. 152. 1 H. 4. 13. Constable of the Exchequer, 15 H. 3. Stat. 5. Constable of Dover Castle, Camb. Brit. pag. 239. Fitz. Nat. Brev. otherwise called Castellan. Manw. part 1. cap. 13. of his Forest Law, makes mention of a Constable of the Forest.

Constat.

Constat is a kind of Certificate made by the Clerk of the Pipe and Auditors of the Exchequer, at the request of any Person who intends to plead in this Court for the Discharge of any thing. 3 & 4 E. 6. 4. 13 El. 6. And this is more certain than a

perteynant al Seigniors de certain Manors *Jure feudi*; & pur que cause ceo est discontinued, veies Dyer 385. pl. 39.

Hors de cel Magistracie (dit Lambard) fueront trahe ceux south Constables, les quels nous appellomus Constables des Hundreds & Franchises, & primerment ordein per le Statute de Winchester, 13 Edw. 1. le quel appoint pur le conservation del Peace, & view de Armor, deux Constables en chescun Hundred & Franchise; & ceux sont a cest jour appel *Alt Constables*, pur ceo que l' encrease des Gents & Peches ad arrere south ceux faits auters en chescun Ville, appel *Petit Constables*, queux sont de semblable nature, mes de inferior Authority al aurer.

Ouster ceux, la sont Officers de particular lieux appel' per cest nosme; come Constable del Tower, Staundf. 152. 1 H. 4. 13. Constable de Exchequer, 15 H. 3. Stat. 5. Constable de Dover Castle, Camb. Brit. pag. 239. Fitz. Nat. Brev. autrement appelle Castellan. Manw. part 1. cap. 13. de ses Leys del Forest, fait mention de un Constable del Forest.

Constat.

Constat est un sort de Certificate fait per le Clerk del Pipe & Auditors del Exchequer, al request de ascun Person que intend a pleader en cest Court pur le discharge de ascun chose, 3 & 4 E. 6. 4. 13 El. 6. Et ceo est plus certain que un

un *Certificate*, car cest certifie que *constat* de Record. Veies *Coke* 5 *Rep.* le difference perenter un *Constat*, *Inspeximus*, & un *Vidimus*.

Certificate, for this certifies what appears upon Record. See *Coke* 5 *Rep.* the Difference between a *Constat*, *Inspeximus*, and a *Vidimus*.

Consuetudinibus & Servitiis. Vide Prescription.

Customs and Services. See *Prescription*.

Consuetudinibus & Servitiis est un Brief, & gist lou jeo ou mes Ancestors, depuis le limitation de Assise, (pur quel veies le Title de *Limitation* en le Collection de Statutes) ne fueront seises des Customs ou Services de mon Tenant devant; & donques jeo avera cest Brief pur recover' ceux Services.

Customs and Services is a Writ, and lies where I or my Ancestors, after the limitation of Assise, (for which see the Title of Limitation in the Collection of Statutes) were not seised of the Customs or Services of my Tenant before; then I shall have this Writ to recover those Services.

Auxy le Tenant poit aver cest Brief vers son Seigneur; mes apres que le Tenant ad count, le Seigneur defendera les motes del Count, & repliant dirra, que il ne distreina pas pur les Customs dont le Count est; & donques il countera tout le Count de les Customs & Services; & donques le Tenant, que suit Plaintiff, deviendra Defendant, & defendra per Battaile ou grand Assise.

Also the Tenant may have this Writ against his Lord, but after the Tenant hath declared, the Lord shall defend the Words of the Declaration, and replying shall say, that he distrained not for the Customs whereof the Declaration is; and then he shall declare all the Declaration of the Customs and Services; and then the Tenant, who was Plaintiff, shall become Defendant, and shall defend by Battel or great Assise.

Consultation.

Consultation est un Brief, per que un Cause esteant per devant remove per Prohibition hors del Court Ecclesiastical, ou Court Christian, al Court le Roy, est la return arere: Car si les Judges del Court le Roy, comparont le Libel ove le Suggestion del Partie, trouvant le Suggestion faux, ou nient prove, & pur ceo le Clause de stre tortiousment appel del

Consultation.

Consultation is a Writ, wheres by a Cause being formerly removed by Prohibition out of the Ecclesiastical Court, or Court Christian, to the King's Court, is returned thither again: for if the Judges of the King's Court, comparing the Libel with the Suggestion of the Party, find the Suggestion false, or not proved, and therefore the Cause to be wrongfully called from the Court

Court Christian; then, upon this Consultation, [oz Deliberation, they decree it to be returned again; whereupon the Writ in this Case obtained is called a Consultation. Of this you may read the Regist. Orig. fol. 44. until fol. 58. Old Nat. Brev. fol. 32. and Fitz. Nat. Brev. fol. 30.

Court Christien; donques sur ceo Consultation ou Deliberation, ils decree ceo destre retourne arere; sur que le Brief en ceo case obtaine est appel un Consultation. De ceo vous poyes lier le Regist. Orig. fol. 44. jelsque fol. 58. Vet. Nat. Brev. fol. 32. & Fitz. Nat. Brev. fol. 50.

Contentement

Contentement seems to be the Freehold-land that lies to the Tenement oz Dwelling-house that is in his own Occupation: for in Magna Charta, cap. 14. there are these Words; A Free-man shall not be amerced for a small Fault, but according to the Quantity of the Fault, and for a great Fault, according to the Manner thereof, saving unto him his Contentement or Freehold: And a Merchant shall also be amerced, saving to him his Merchandizes; and a Villain, saving to him his Wainage.

Contentement semble destre le Franktenement terre que gist al Tenement ou Meason que est en son occupation demesne; car en Magna Charta, cap. 14. la sont ceux parols; Un Frank home ne serra amercie pur un petit offence, mes accordant al quantitie del offence, & pur un grand offence, met accordant al manner de ceo, savant a luy son Contentement ou Franktenement: Et un Merchant serra auxy amercie savant a luy ses Merchandizes; & un Villain, savant a luy son Gainage.

Contingent Use.

Contingent Use is such a Use as may oz may not happen to best. See more of this in Chudleigh's Case, Co. Rep. 1.

Contingent Use est un tiel Use que poit ou nepoiet happer de vester. Veies plus de ceo en Chudleigh's Case, Co. Rep. 1.

Continual Claim.

Continual Claim is, where a Man hath Right to enter into certain Lands whereof another is seised in Fee, oz Fee-Tail, and dares not enter for fear of Death oz beating, but approaches as nigh as he dares, and makes Claim thereto within the Year and Day before the Death of him that hath the Lands; if after he who hath the Land die seised, and his

Continual Claim est, l'ou home ad droit de enter en certain Terres dont un autre est seisie en Fee, ou Fee-tail, & il ne ofast enter pur pavor de mort ou batterie, mes approche cy pres come il ofast, & fait Claim a ceo deins le An & Jour devant le mort de cestuy que ad le Terre; si apres cestuy que ad le Terre devie seisie, & son

son Heire est eins per discent, uncore cestuy que fait tiel Claime poit enter sur le Heire nient contristeant tiel discent, pur ceo que il ad fait tiel continual Claime. Mes il covient que cest Claime tous foits soit fait deins l'An & Jour devant le mort le Tenant; car si tiel Tenant ne morust seisie deins l'An & Jour apres tiel Claime fait, & uncore il que ad droit n'ost enter, donques covient al cestuy que ad tiel droit de faire auter Claime deins l'An & Jour apres le primer Claime, & apres tiel second Claime, de faire le tierce Claime, deins l'An & Jour, si voit este sure de s'aver son Entry.

Mes si le Disseisor devie seisie deins l'An & Jour apres le Disseisin, & nul Claime fait, donques le Entry le Disseisee est tolle, car l'An & Jour ne serra prise de le temps del title de Entry a luy accrue, mes solement de le temps del darraine Claime per luy fait; come est avant dit. Veies pluis de ceo en *Litl. l. 3. c. 7.* & veies le *Stat. 32 H. 8. cap. 33.*

Continuance.

Continuance en le Common Ley est de mesme signification ove *Prorogation* en le Civile; come Continuance j'esque le procheine Assise, *Fitz. Nat. Brev. 154. f. & 244. d.* en queux ambideux lieux il est dit, Que si un Record en le Tresaurie soit alledge per l'un Partie, & denie per l'auter, un *Certiorari* serra sue al Treasurer & le Chamberleine de Exche-

Heir is in by Descent, yet he that makes such Claim may enter upon the Heir, notwithstanding such Descent, because he hath made such continual Claim. But such Claim must always be made within the Year and the Day before the Death of the Tenant; for if such Tenant do not die seised within a Year and a Day after such Claim made, and yet he that hath Right dares not enter, then it behoves him that hath such Right, to make another Claim within the Year and Day after the first Claim, and after such second Claim, to make the third Claim within the Year and Day, if he will be sure to save his Entry.

But if the Disseisor die seised within the Year and Day after the Disseisin, and no Claim made, then the Entry of the Disseisee is taken away, for the Year and Day shall not be taken from the Time of the Title of the Entry to him given, but only from the Time of the last Claim by him made, as is aforesaid. See more hereof in *Litl. l. 3. c. 7.* and see the *Stat. 32 H. 8. cap. 33.*

Continuance.

Continuance in the Common Law is of the same Signification with *Prorogatio* in the Civil; as Continuance until the next Assise, *Fitz. Nat. Brev. 154. f. and 244. d.* in both which Places it is said, That if a Record in the Treasury be alledged by the one Party, and denied by the other, a *Certiorari* shall be sued to the Treasurer and the Chamberlain of the Exchequer;

chequer; and if they do not certifie in the Chancery that such Record is there, or that it is like to be in the Tower, the King shall send to the Justices, repeating the said Certificate, and commanding them to continue the Assise. In this Signification it is also used by Kitchen, 202, and 199. also Anno 11 H. 6. cap. 4.

Continuando.

Continuando is a Word used when the Plaintiff would recover Damages for several Trespases in the same Action: for in one Action of Trespas you may recover Damages for divers Trespases, laying the first with a Continuando to the whole Time; and is in this Form, Continuando Transgressionem prædictam, &c. a prædicto die, &c. usque talem diem, and so including the last Trespas.

Contract.

Contract is a Bargain or Covenant between two Parties, where one thing is given for another, which is called Quid pro quo; as if I sell my Horse for Money, or if I covenant to make you a Lease of my Manor of Dale, in Consideration of twenty Pounds that you shall give me; these are good Contracts, because there is one thing for another. But if a Man make a Promise to me, that I shall have xx s. and that he will be Debtor to me thereof, and after I ask the xx s. and he will not deliver it; yet I shall never have any Action to recover this xx s. because this Promise was no Contract, but a bare Promise: and Ex nudo

quer; & fils ne certifie pas en le Chancerie que tiel Record est la, ou que est semblable estre en le Tower, le Roy mettera al Justices, recitant le dit Certificate, & commandant eux de continuer le Assise. En ceo signification est auxy use per Kitchen, 202, & 199. auxy an. 11 H. 6. cap. 4.

Continuando.

Continuando est un Parol use quand le Plaintiff voile recover Damages pur plusieurs Trespases en mesme le Action: Car en un Action de Trespas poies recover Damages pur diverse Trespases, gisant le premier ove un Continuando al tout le temps, & est en cest Forme, Continuando Transgressionem prædictam, &c. a prædicto die, &c. usque talem diem, & issint incluant le darrein Trespas.

Contract.

Contract est un Bargain ou Covenant perenter deux parties, lou un chose est done pur auter, que est appel Quid pro quo; come si jeo vende mon Chival pur argent, ou si jeo covenant de fair Lease a vous de mon Manor de Dale, en consideration de xx l. que vous dones a moy, ceux sont bone Contracts, pur ceo que il ad un chose pur auter. Mes si un home fait promesse a moy, que jeo avera xx s. & que il voile este Dettour a moy de ceo, & puis jeo demande xx s. & il ne voile a moy deliver; uncore jeo navera jammes Action pur recover cest xx s. pur ceo que cest Promise ne fait Contract, mes nudum Pactum, & Ex nudo Pacto

Pactio non oritur Actio. Mes si ascun chose fuit done pur le xx s. mesque il fuit forsque al value de un denier, donques il fuit bone Contract.

Pactio non oritur Actio. But if any thing were given for the twenty Shillings, though it were but to the Value of a Penny, then it had been a good Contract.

Contra formam Collationis.

Contra formam Collationis.

C*ontra formam Collationis* est un Brief que gist lou home done Terres en perpetual Almoigne a ascun Meason de Religion, come a un Abbe & son Convent, ou auter Sovereigne, ou al Gardien ou Master de ascun Hospital & son Convent, de trouver certain pover homes, & de faire aut' Divine service; s'ils alien les Terres, donques le Donor ou ses heires averont le dit brief pur recover le Terre. Mes cest Brief serra tous foits port vers le Abbot ou son succesor, & nemy vers l'Alienee, coment que il soit Tenant: Mes en tous auters Action lou home demand Franktenement, le Brief serra port vers le Tenant del Terre. Vide le Stat. West. 2. cap. 41.

C*ontra formam Collationis* is a Writ that lies where a Man hath given Lands in perpetual Alms to any of the Houses of Religion, as to an Abbot and his Convent, or other Sovereign, or to the Warden or Master of any Hospital and his Convent, to find certain poor Men, and to do other Divine Service: If they alien the Lands, then the Donor or his Heirs shall have the said Writ to recover the Land. But this Writ shall be always brought against the Abbot or his Successor, and not against the Alienee, although he be Tenant: But in all other Actions where a Man demands Freehold, the Writ shall be brought against the Tenant of the Land. See the Stat. West. 2. cap. 41.

Contra formam Feoffamenti.

Contra formam Feoffamenti.

C*ontra formam Feoffamenti* est un Brief que gist lou un home devant le Statute de *Quia emptores terrarum*, fait 18 Ed. 1. infeoffe aut' per fait de faire certain Service; si le Feoffor ou ses heires distraint luy de faire auter Service que est comprise en le Fait, donques le Tenant avera cest Breve, luy commandant que il ne distraint luy de fair auter Service que nest comprise

C*ontra formam Feoffamenti* is a Writ that lies where a Man before the Statute of *Quia emptores terrarum*, made 18 Ed. 1. infeoffed another by Deed to do certain Service; if the Feoffor or his Heirs distraint him to do other Service than is comprised in the Deed, then the Tenant shall have this Writ, commanding him not to distraint him to do other Service than is comprised

ted in the Deed. But this writ lies not for the Plaintiff who claims by Purchase from the first Feoffee, but for the Heir to the first Feoffee.

Contributione facienda.

Contributione facienda is a Writ that lies where there are divers Parceners, and he who hath the Part of the eldest makes all the Suit to the Lord, the others ought to make Contribution to him, and if they will not, he shall have against them this writ. In some Cases the Heir shall have Contribution, and in others not, but shall be alone charged: For if a Man be seised of three Acres of Land, and acknowledges a Recognizance or Statute, &c. and infeoffs A. of one Acre, and B. of another Acre, and the third descends to the Heir; if Execution be sued against the Heir only, he shall not have Contribution against any Purchasor, yet he is charged as Terre-tenant, and not as Heir; for the Land, and not himself, is charged.

Yet if a Man be seised of two Acres, the one of the Nature of Borough-English, and binds himself as before, and dies, having Issue two Daughters, who make Partition, in this Case, if the one be charged, she shall have Contribution: For as one Purchasor shall have Contribution against others, and against the Heir of the Conusee also; so one Heir shall have Contribution against another Heir, for they are in equal Degree. Also if a Man be bound, and after his Death some of his Land de-

deins le Fait. Mes cest brief ne gist pur le Plaintiff que claim per purchase del primer Feoffee, mes pur le heire al primer Feoffee.

Contributione facienda.

Contributione facienda est un Brief, & gist lou sont divers Parceners, & celuy que ad le part del eigne fait tout le suit al Seignior, les auters doyent faire Contribution a luy, & s'ils ne voylent, il avera vers eux le dit Breve. En alguns cases le Heire avera Contribution, & en auters nemy, mes serra solement charge: Car si home soit seisie de troys Acres de terre, & conuist un Recognizance ou Statute, &c. & enfeoffe A. de un Acre, & B. de un autre Acre, & le tierce descend a son Heire; si Execution soit sue solement vers le Heire, il ne avera Contribution vers aucun Purchasor, uncore il est charge come Terre-tenant, & nemy come Heire; car le Terre, & nemy luy mesme, est lie.

Uncore si home soit seisie de deux Acres, l'un de nature de Borough-English, & lye luy mesme come devant, & morust, ayant issue deux filles, queux sont partition; en cest case, si l'un soit charge, el avera Contribution; car sicome un Purchasor avera Contribution vers auters, & vers le Heire le Conusee auxy; insint un Heire avera Contribution vers autre Heire, car ils sont in equali gradu. Auxy si home soit issint lie, & puis son mort aucun de son

terre,

terre descend al Heir del part le pere, & ascun al Heire del part le mere, l'un solement ne serra charge, mes sil soit, il avera Contribution. En Dower, si le Tenant vouch le Heir en gard a troys several Seigniors, chescun serra owelment charge,

Si deux, quat, ou plusors homes soyent severalment sессie de Terre, & ils tous joyn' en un Recognizance; en cest case le Conusee ne poit extend le Terre del ascun de Conusors solement, mes tous doivent owelment estre charge: Car coment que le Terre del Conusor mesme poit este solement extend quant divers homes ont purchase ascun del Terre subject al Recognizance, pur ceo que le Purchasor est en auter degree que le Conusor mesme; uncore un de les Conusors ne serra solement charge, car il estoit en owel degree ove les auters Conusors. Auxy le tertenant d'un Debtor sur un extent avera contribution de l'heir del Debtor, quel veies 1 Cro. Eyer versus Taunton. Si Judgment soit done vers deux Disseisors en Assise pur le Terre & damages, & l'un Disseisor mort, l'Execut' ne serra agard vers le surviving Disseisor que suit party al tort, mes cy bien le Heir come le Disseisor serra owelment charge. Mes autrement est en personal lien; come si deux son lie en un Obligat', la le charge survivera.

scends to the Heir of the Part of the Father, and some to the Heir of the Part of the Mother; the one alone shall not be charged, but if he be, he shall have Contribution. In Dower, if the Tenant vouches the Heir in Ward to three several Lords, each of them shall be equally charged.

If two, four, or more Men be severally seised of Land, and they all joyn in a Recognizance; in this Case the Conusee cannot extend the Land of any of the Conusors alone, but all ought equally to be charged: For though the Land of the Conusor himself may be only extended when divers Men have purchased any of the Land subject to the Recognizance, because the Purchasor is in another Degree than the Conusor himself; yet one of the Conusors shall not be solely charged, for he stands in equal Degree with the other Conusors: Also the Tertenant of a Debtor upon an Extent shall have Contribution of the Heir of the Debtor, which see 1 Cro. Eyer against Taunton. If Judgment be given against two Disseisors in Assise for the Land and Damages, and one Disseisor dies, the Execution shall not be awarded against the surviving Disseisor that was Party to the Wrong, but as well the Heir as the Disseisor shall be equally charged. But otherwise it is in personal binding; as if two are bound in an Obligation, there the Charge shall survive.

And where it is laid, that the one Purchasor shall have Contribution, it is not thereby intended, that the others shall give or allow unto him any Thing by Way of Contribution; but it ought to be intended, that the Party that is solely extended for all may by an *Audita querela*, or *Scire facias*, as the Case requires, defeat the Execution, and thereby shall be restored to all the mean Profits, and Force the Conusee to sue Execution of all the Land: So in this Manner every one shall be contributory, viz. the Land of every Terre-tenant shall be equally extended.

Convict.

Convict, *Convictus*, is he that is found guilty of an Offence by Verdict of the Jury, *Staundf. Pl. Coron. 186.* But *Crompton out of Dyer, fol. 275.* saith, That Conviction is, either when a Man is outlaw'd, or appears and confesseth, or else is found Guilty by the Inquest. *Crompt. Just. of Peace, fol. 9. 2.* Conviction and Attainder are often Times confounded. See *Attaint*. A Recusant convict is a Person that hath been legally presented, indicted and Convicted for refusing to come to Church to hear the Common-Prayer, according to the several Statutes of 1 Eliz. c. 1. 23 Eliz. c. 1. and 3 Jac. 1. c. 4. This Term is generally given to Papists, tho' any other refusing to come to Church in like Manner, are as properly Recusants. See *Jury*.

Et ou est dit, que le un Purchasor avera Contribution, nest per ceo entend, que les autres donneront ou alloweront a luy aucun chose per voy de Contribution; mes doit estre entend que le Partie que est seulement extend pur tout poit per *Audita querela*, ou *Scire facias*, come le case require, defeat le Execution, & per ceo serra restore a tous les mesne profits, & chaser le Conusee de suer Execution de tout le terre: Issint en cest manner chescun serra contributory, cestascavoir, le Terre de chescun Terre-tenant serra owelment extend.

Convict.

Convict, *Convictus*, est celui que est trove culpable d'aucun Offence per Verdict del Jury. *Staundf. Pl. Coron. 186.* Mes *Crompton hors de Dyer fol. 275.* dist, que Conviction est, ou quand un home est utlage, ou appiert & confesse, ou autrement est trove culpable per l'Inquest. *Crompt. Just. de Peace fol. 9. 2.* Conviction & attainder sont souvent foits confondus. Veies *Attaint*. Un Recusant Convict est un persone que ad este loyalment presented, indict & convict pur refusant a vener al Esglise a oyer le *Common-Prayer*, selonque les several Estatutes de 1 Eliz. c. 2. 23 Eliz. c. 1. & 3 Jac. 1. c. 4. Cest Terme est generalment done as Papists, uncore que aucun autre refusant a vener al Esglise en mesme le manere sont cy properment Recusants. Veies *Jury*.

Convocation.

Convocation est communement prise pur le Assembly de tous les Clerks pur consult' de choses Ecclesiastical en temps de Parlement: Et si come la sont deux Measons de Parlement, issint la sont deux lieus appel Measons de Convocation; l'un appel le pluis Alt Meason de Convocation, ou les Archieuesques & Euesques sedont severallment per eux mesmes; laut' l'Inferior Meason de Convocation, ou tout le residue des Clerks sedont. *Vide Prolocutor.*

Conusance.

Conusance de Plee est un Privilege que un Citie ou ville ad per grant le Roy, de tener Plee de tous Contracts, & des Terres deins le precinct del Franchise, & que quant ascun home est implead per ascun tiel chose en le Court le Roy al *Westm.* les Maiors ou Bayliffs de tiels Franchises, ou leur Attornies, poient demander Conusance del Plee, cestascavoir, que le Plee & le matter serra p'ead & determine devant eux.

Mes si le Court al *Westminster* soit loyalment seisie del Plee devant que Conusance soit demand, donques ils ne averont Conusance pur cest Suit, pur ceo que ils ont negligé leur temps de demande ceo: Mes ceo ne serra barre al eux de aver Conusance en aut' Action; car ils poient demand Conusance en un Action, & omit ceo en un autre, a leur pleasure.

I

Convocation.

Convocation is commonly taken for the Assembly of all the Clergy to consult of Ecclesiastical Matters in Time of Parliament: And as there are two Houses of Parliament, so there are two Places called Convocation-Houses; the one called the Higher Convocation-house, where the Archbishops and Bishops sit severally by themselves; the other, the Lower Convocation-house; where all the rest of the Clergy sit. *Vide Prolocutor.*

Conusance.

Conusance of Pleas is a Privilege that a City or Town hath by the King's Grant, to hold Plea of all Contracts, and of Lands within the Precinct of the Franchise, and that when any Man is impleaded for any such Thing in the Court of the King at *Westm.* the Baysors or Bailiffs of such Franchises, or their Attorneys, may ask Conusance of the Plea, that is to say, that the Plea and the Matter shall be pleaded and determined before them.

But if the Court at *Westminster* be lawfully seised of the Plea before Conusance be demanded, then they shall not have Conusance for that Suit, because they have neglected their Time of Demand thereof: but this shall be no Bar to them to have Conusance in another Action; for they may demand Conusance of one Action, and omit it in another, at their Pleasure.

Et

And note, That Conufance lies not in Prefcription, but it behoves to fhew the King's Letters Patents for it.

Et notes, que Conufance ne gïft en Prefcription, mes il covient monftre Letters Patents le Roy pur ceo.

Coparceners.

Coparceners.

Coparceners. See Parceners.

Coparceners. Veies Parceners.

Copy.

Copie.

Copy fignifies in a legal Sente the Example or Transcript of an Original Writing; as the Copy of a Charter, the Copy of a Court-Roll, &c.

Copie fignifie en un legal Sens l'Exemple ou Transcript d'un original Efcrit; ficome la Copie d'un Charter, la Copie d'un Court-Roll, &c.

Copyhold.

Copyhold.

Copyhold is a Tenure for which the Tenant hath nothing to fhew but the Copies of the Rolls made by the Steward of his Lord's Court: for the Steward, as he inrolls all other Things done in his Lord's Court, fo he doth alfo fuch Tenants as are admitted in the Court to any Parcel of Land or Tenements belonging to the Manor; and the Transcript of this is called the Court-Roll, the Copy whereof the Tenant takes from him, and keeps as his only Evidence. Coke lib. 4. fol. 25. This Tenure is called a Base Tenure, becaufe it holds at the Will of the Lord. Kitchen, fol. 80. Fitz. Nat. Brev. fol. 12. b. c. who faith, it was wont to be called Tenure in Villenage, and that this Copyhold is but a new Name. Yet it is not fimplly at the Will of the Lord, but according to the Custom of the Manor; fo that if a Copyholder break not the Custom of the Manor, and thereby forfeit his Tenure, he fceems not fo much

Copyhold eft un Tenure pur quel le Tenant ad riens a monftre forfque les Copies des Rolles fait per le Senefchal del Court fon Seignior: Car le Senefchal, ficome il enroll' tous aut's chofes faits en le Court le Seignior, iffint il auxy fait tiels Tenants que font admitte en le Court a aucun parcel de Terre ou Tenements apperteynant al Manor; & le Transcript de ceo eft appel Court Roll, le Copie de que le Tenant prift de luy, & detient come fon fole Evidence. Co. lib 4 fol. 25. Cest Tenure eft appel Base tenure, pur ceo que tient al volunt le Seignior. Kitchen, fol 80. Fitz. Nat. brev. fol 12. b. c. que dit, que fait accufrome deftre appel Tenure en Villenage, & que cest Copyhold nelt forfque un novel nofme. Uncore nelt meerement al volunt le Seignior, mes accordant al Cufrome del Manor; iffint que fi un Copyholder ne pas infreint le Cufrome del Manor, & per ceo forfeit fon Tenure, ne femble tant

N a destroye

destoyer al volunt son Seignior pur son droit, come destre dislieu quand a luy pleist. Les Customs de Manors sont infinite variant en un point ou auter fere en chescun feveral Manor.

Primerment, ascun Copyhold est fineable, & ascun certain. Ceo que est fineable le Seignior asselle a quel Fine que il voyle, quand le Tenant est a ceo admit: ceo que est certain est un sort de enheritance, & appel en plusieurs lieux Customary, pur ceo que le Tenant morant, & le Tenure esteant void, le prochain du sangue, payant le customary Fine ne poit estre denie destre admit.

Secondment, ascun Copyholders ont per Custome les Boys crescant sur leur terre demesne, quel per le Ley ils ne poyent aver.

Tiercement, la sont Copyholders que tient per le Verge en Ancient demesne, & nient obstant ils tient per Copy, uncore ils sont en nature de Franktenants; car si tiel homme fait Felony, le Roy ad an, jour, & vast, come en case de Franktenement. Ascun aut's tient per Common Tenure, appel mere Copyholds, & s'ils commit Felony, leur terre jammes escheatera al Seignior del Manor.

West. part 1. lib. 2. sect. 646. illint define un Copyholder; Tenant per Copy de Court-roll est celuy que est admit Tenant de ascun Terres ou Tenements deins un Manor, que temps ouster le memorie du home, per use & custome del dit Manor, ont este dimisable as tiels que

to stand at his Lord's Court: sic for his Right, as to be displaced when he pleases. The Customs of Manors are infinite, varying in one Point or other almost in every feveral Manor.

First, some Copyhold is fineable, and some certain, That which is fineable the Lord rates at what Fine he pleases, when the Tenant is admitted unto it: that which is certain is a kind of Inheritance, and called in many Places Customary, because the Tenant dying, and the Tenure being void, the next of Blood, paying the customary Fine, cannot be denied Admittance.

Secondly, some Copyholders have by Custom the Woods growing upon their own Land, which by the Law they cannot have.

Thirdly, there are Copyholders that hold by the Verge in Ancient Demesne, and although they hold by Copy, yet they are in Nature of Freeholders; for if such a one commit Felony, the King hath the Bear, Bay, and Waste, as in Case of Freehold. Some others hold by Common Tenure called mere Copyhold, and if they commit Felony, their Land presently escheats to the Lord of the Manor.

West. part 1. lib. 2. sect. 646. defines a Copyholder thus; Tenant by Copy of Court-roll is he who is admitted Tenant of any Lands or Tenements within a Manor, which Time without the Memory of Man, by Use and Custom of the said Manor, have been demisable

to such as will take the same in Fee, Fee-tail, for Life, Years, or at Will, according to the Custom of the said Manor, by Copy of Court-roll.

pernderont le mesme en fee, fee-taille, pur vie. ans, ou a volunt, accordant al Custome del dit Manor per Copy de Court-roll.

Coraage.

Coraage is an Imposition extraordinary, growing upon some unusual Occasion, and seems to be of certain Measures of Corn. *Bract. lib. 2. cap. 16. numb. 6.* uses *Corus tritici* for a Measure of Corn; and in the same Chapter, numb. 8. hath these Words: There are certain common Prestations, which are not called Services, neither do they arise from Custom, unless some necessary Occasion happen, or that the King comes; such are Hidage, Coraage, and Caruage, and many others, which are performed in Cases of Necessity, by the common Consent of the whole Kingdom, and which appertain not to the Lord of the Fee; nor is he bound to acquit his Tenant thereof, unless he hath especially tied himself thereto by his own Deed.

Coram non Judice,

IS when an Action is brought in a Court, whereof the Judges have not any Jurisdiction: Then it is said to be Coram non Judice. 2 Cro. 351. *Powel's Case.*

Cordwayner.

Cordiner or Cordwayner comes from the French Cordvannier, that is, a Shoemaker, from a kind of Leather which the French-men called Cordavan. And it is a Word much used in our Statutes, as in those of 3 Hen. 8. cap. 10. 5 Hen. 8. cap. 7. & 1 Jac. cap. 12.

Coraage.

Coraage est un Imposition nient ordinary, foundue sur ascun nient usual chose, & semble destre de certain Measures de Grain. *Bract. lib. 2. cap. 16. numb. 6.* use ceux parols, *Corus tritici*, destre un measure de Graine; & en mesme le Capit', numb. 8. ad ceux parols: *Sunt enim quedam communes Prestationes, quæ Servitia non dicuntur, nec de Consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit: sicut sunt Hidagia, Cornagia, & Ceruagia, & alia plura de necessitate, & ex consensu communi totius Regni introducta, & quæ ad Dominum Feudi non pertinent; & de quibus nullus tenetur tenent' suum acquietare, nisi se ad hoc specialiter obligaverit in Charta sua.*

Coram non Judice,

EST quand un Action est portee en un Court, dont les Judges n'ont ascun Jurisdiction: Adonques il est dit d'estre Coram non Judice. 2 Cro. 351. *Powel's Case.*

Cordwayner.

Cordiner vel Cordwayner venist de cel Francois Cordvannier. id est, Sutor calcearius, a Corii genere quod Cordavan apud Gallos nominatur. Et est un parol mult use en nostre Statutes, come en 3 H. 8. cap. 10. & 5 H. 8. cap. 7. & 1 Jac. 22.

Cornage.

Cornage est un sort de Grand Serjeanty, le Service de quel Tenure est, de ventier un Cornu quant asc' Invasion des enemies del Pais Artique est descric. Et per cest plusors homes tiendront lour t're en les partes Septentrionals, environ le Pariet communement appel l'*Pariet des Pict. Cam. Br.* p. 609.

Veies Littleton, fol. 35. ou il dit, Que en le Marches de *Escoce* ascun teignent del Roy per Cornage, cestascavoir, per ventier un Cornu, pur garner homes de Pais quant ils oyent que Enemies veignent; quel Service est *Grand Serjeanty*.

Corodie.

Corodie est un Allowance de Meat, Pane, Boyer, Argent, Vestments, Lodging & tiels choses necessary put sustenance. Ceo ascun foits est certain, ou le certainty des choses est limit; ascun foits uncertain, lou nest limit en certainty que il aver.

Et ascun de eux commence per Graunt fait per ascun home al auter, & poet estre pur vie, ans, en taile, ou fee: & ascun Corodies sont de common droit, sicome chescun Founder de Abbeys & auters Measons Papisticks avoyent autoritie de assigner en mesme les Measons, pur son Pere, Frere, Cousin, ou auter que il voir, si fuit un Meason de Moignes; & si il soit Founder del Meason de Nuns, donques ceo pur sa Mere, Soer, ou auter Mulier: & tous

Cornage.

Cornage is a kind of Grand Serjeanty, the Service of which Tenure is to blow an Horn when any Invasion of the Northern Enemy is perceived. And by this many Northward held their Land about the Wall commonly called the Picts Wall. Cambden's Brit. pag. 609.

See Littleton, fol 35. where he saith, That in the Marches of Scotland some hold of the King by Cornage, that is to say, by blowing a Horn, to warn the Country when they hear that the Enemies will come; which Service is Grand Serjeanty.

Corody.

Corody is an Allowance of Meat, Bread, Drink, Honey, Cloathing, Lodging, and such like Necessaries for Sustenance. It is sometimes certain, where the Certainty of things is set down; sometimes uncertain, where the Certainty is not set down which he shall have.

And some of them began by Grant made by one Man to another, and it may be for Life, Years, in Tail, or in Fee: And some Corodies are of common Right, as every Founder of Abbeys and other Houses of the Popish Religion had Authority to assign such in the same Houses, for his Father, Brother, Cousin, or other that he would appoint, if it were a House of Monks; and if he were Founder of a House of Nuns, then for his Mother, Sister, or other Woman: and always this

this was provided for, that he that had a Corody in a House of Monks, might not send a Woman to take it; nor where Corody was due in a Nunnerie, there it was not lawful to appoint a Man to receive it; for in both cases such Presentation was to be rejected. And this Corody was due as well to a common Person, Founder, as where the King himself was Founder. But where the House was holden in Frankalmoigne, there the Tenure it self was a Discharge of Corody against all Men, except it were afterward charged voluntarily; as when the King would send his Writ to the Abbot for a Corody for such a one, whom they admit, there the House should be thereby charged for ever, whether the King were Founder or not. See the Writ of Corodio habendo in Fitz. Nat. Brev. fol. 250.

Coroner.

Coroner is an ancient Officer of Trust, and of great Authority, ordained to be a principal Conservator or Keeper of the Peace, to bear Record of the Pleas of the Crown, and of his own View, and of divers other things, &c. And therefore in the Time of Ed. 1. it was enacted, That forasmuch as mean Men and indiscreet now of late are commonly chosen to the Office of Coroner, where it is requisite that wise Men, lawful and able, should execute such Offices, it is provided, That through all Shires sufficient Men shall be chosen to be Coroners, out of the most wise and discreet Knights

jours cest proviso fuit, que il que ad Corodie en un Meason de Moignes, ne dūist mitter un feme de prender ceo, ne ou Corodie fuit due en un Nunnerie, la il ne fuit loyal de appointer un home de receiver ceo; car en ambideux cases tiel Presentation fuit destre reject. Et cest Corodie fuit due cy bien a un common person Founder, sicome ou le Roy mesme fuit Founder. Mes ou le Meason fuit tenu en Frankalmoigne, la le Tenure mesme fuit un discharge de Corodie encounter tous homes, sinon que il fuit apres charge volontariment; come ou le Roy voit mitter son Brief al Abbey pur un Corodie pur un tiel, le que ils admit, la le Meason doit estre charge per ceo a tous jours, si le Roy soit Founder ou nemy. Veies Brief de Corodio habendo en Fitz. Nat. Brev. fol. 230.

Coroner.

Coroner est un ancient Officer de trust & de grand Authority, ordeine destre un principal Conservator ou Gardian de le Peace, a port^r record des Plees del Corone, & del son view demesne, & de divers autres choses, &c. Et pur ceo en temps de Ed. 1. fuit enact, Que, pur ceo que petit Gentes meins sages soyent eslieus ore de novel communement al Office del Coroner, ou mestier serroit que probes homes, loyals, & sages, se entermellant de cel Office; purview est, Que per tous le Counties soient eslieus sufficient homes Coroners, de plus loyals & plus sages.

sages Chivalers, que mieulx sachant puissent & voient a cel Office entendre, & que loyalment attachent & representent les Plees del Corone.

Et nient obstant le letter de cest Statute ne soit precisement observe, uncore al meins l'entent doit estre pursue cy pres come poit; issint que pur le default des Chivalers & Gentlehomes, furnished ove tiels qualities sicome le Statute parle, (de que ils y ad divers) auters poient estre esliu, ove cest addition que ils soyent vertuous & bone Christians. Veies de ceo en le Brief de Coronatore eligendo en Fitzh. Nat. Brev. fol. 163.

Quand le Coroner est de enquire del mort de ascun Person, ou faire auter chose concernant son Office, il doit ceo faire en Person; & sur le subit mort de ascun, il mesme doit veyer le mort corps quand il fait enquirie, ou autrement l'enquirie nest bone; car sil voile enquirer de asc' mort person sans luy veyer, ceo est sans autoritie, & issint void. Et si le corps soit enterre devant son venu, il doit ceo recorder en ses Rolles, al entent que le Ville ou l'enterrement tuit fait, serra amerce pur ceo devant les Justices en Eyre, sur le view des Rolles del Coroner. Et nient meins le Coroner doit decover le corps hors del Terre, & prendre l'enquirie sur view del corps, come il serroit sil navoit este enterre; & la Ville serra auxi amerce, sils souffront luy giser sur la Terre a putrefaction ou grand ordeur, sans mander al Coroner. Et si le Co-

which best know, can and will attend this Office, and which faithfullly will make and represent the Pleas of the Crown.

And although the Letter of this Statute be not precisely observed, yet at least the Intent should be followed as nigh as might be; so that for the Default of Knights and Gentlemen, furnished with such Qualities as the Statute sets down (of which sort there are many) others might be chosen, with this Addition, that they be vertuous and good Christians. See hereof in the Writ de Coronatore eligendo, in Fitz. Nat. Brev. fol. 163.

When the Coroner is to enquire of the Death of any Person, or to do other thing concerning his Office, he ought to do it in Person; and upon the sudden Death of any one, he himself ought to see the dead Body when he makes Inquiry, or otherwise the Inquiry is not good; for if he will inquire of any dead Person without View, this is without Authority, and so void. And if the Body be buried before his coming, he ought to record it in his Rolls, to the Intent that the Town, where the Burying was, should be amerced for it before the Justices in Eyre, upon the Sight of the Coroner's Rolls. And nevertheless the Coroner ought to take up the Body out of the Ground, and make the Inquiry upon View of the Body, as he should do if it had not been buried; and the Town shall also be amerced, if they suffer it to lie on the Ground to putrify or sink, without sending

sending to the Coroner. And if the Coroner be negligent in coming to do his Office, after the Bailiffs or Country-men have sent for him, he shall be punished.

Although by the Law the Coroner cannot enquire of any Felony, but the Death of a Man; yet it hath been said, that in Northumberland they enquire of all Felonies; but this Authority they maintain by Prescription. If a Man be killed or drowned in the Arms or Creeks of the Sea, where a Man may see Land from the one Part to the other, the Coroner shall enquire thereof, and not the Admiral, for that the Country may well have Knowledge thereof.

But the Coroner of the King's House hath an exempt Jurisdiction within the Verges, and the Coroner of the County cannot intermeddle within it; as the Coroner of the House cannot intermeddle within the County out of the Verges.

If the Demandant or Plaintiff be nonsuited, or if Judgment be given against the Tenant or Defendant, or such like, the Justices never assess any Amerciament, but the Clerk of the Warrants makes Estreats thereof, and delivers them to the Clerks of Assise within every Circuit, to deliver them to the Coroners in every County, to assess or assess the Amerciaments, because they are thought most indifferent, forasmuch as they are chosen by the whole County,

roner soit negligent en venir a faire son Office, apres que les Bailiffs, ou homes de Pais ont mande pur luy, il sera punie.

Coment que per le Ley le Coroner ne puit enquirer de asc' Felonie, forsque de mort de home; tamen ad este dit, que en Northumberland il enquiront de tous Felonies; mes cel autoritie ils maintiennent per Prescription. Si home soit occise ou merge en les braches ou sauses del mere, lou home poiet veier terre de un part & de auter, le Coroner enquirera de ceo, & nemy le Admiral, pur ceo que le Pais poit bien de ceo aver conulance.

Mes le Coroner del Hostel le Roy, ad un exempt jurisdiction deins le Verges, & le Coroner del Countie ne poit entermeddle deins ceo; sicome le Coroner del Hostel ne poit entermeddle deins le Countie hors del Verges.

Si le Demandant ou Plaintiff soit non-sute, ou si Jugement soit done vers le Tenant ou Defendant, ou semblables, les Justices ne unques assesseront ascun Amerciament, mes le Clerk des Garrants fait Estreats de eux, & deliver eux aux Clerks de Assise deins chescun Circuit, a deliver eux al Coroners en chescun Countie, de asserrer & assesser l'Amerciaments, pur ceo que ils sont pense plus indifferent, entant que ils sont elect per tout le Countie.

Si un Approver dit, que il commence son Appeale devant le Coroner per Dures, ceo serra trie per le Coroner; & si le Coroner ceo denie, l'Approver serra pendus. Per queux cases il appiert, que le Ley done grand credance & authoritie al Coroners.

Corporation.

Corporation est un chose permanent, que poit aver succession: & est un Assembly & joyning ensemble de divers en un Fellowship, Fraternitie, & Ment, de que un est le Teste & Principal, les autres sont le Corps; & cest Teste & Corps joynt ensemble font le Corporation. Et de Corporations, ascun sont Spirituals, ascuns Temporals; & de Spirituals, ascun fueront Corporations de mort Persons en Ley, & ascuns autrement; & ascun sont per Authoritie del Roy solement, ascuns ont este de un mixt Authoritie.

Et de ceux queux son Temporal, ascuns sont per Authoritie de Roy auxy, & ascuns per le Common Ley del Royalm.

Corporation Spiritual, & de mort Persons en le Ley, est lou le Corporation consist de un Abbe & Covent, queux ont leur commencement del Roy, & le Pape, quand il y ad a faire cy.

Corporation Spiritual, & del able Persons en Ley, est, lou le Corporation consist de un Dean & Chapter, Master del Colledge ou Hospital; & cest Corporation ad commencement de Roy solement.

If an Approver saith, That he began his Appeal before the Coroner by Dures, this shall be tried by the Coroner; and if the Coroner denies it, the Approver shall be hanged. By which cases it appears, That the Law gives much Credit and Authority to the Coroners.

Corporation.

Corporation is a permanent thing, that may have Succession: and it is an Assembly and joining together of many into one Fellowship, Brotherhood, and Mind, whereof one is Head and Chief, the rest are the Body; and this Head and Body knit together make the Corporation. And of Corporations, some are spiritual, some temporal: And of spiritual, some are Corporations of dead Persons in Law, and some otherwise; and some are by Authority of the King only, and some have been of a mixt Authority.

And of those that are temporal, some are by the Authority of the King also, and some by the Common Law of the Realm.

Corporation spiritual, and of dead Persons in the Law, is where the Corporation consists of an Abbot and Convent, which had Beginning of the King, and the Pope when he had to do here.

Corporation spiritual, and of able Persons in Law, is, where the Corporation consists of a Dean and Chapter, Master of a College or Hospital; and this Corporation had Beginning of the King only.

Cor.

Corporation temporal by the King is, where there is a Mayor and Commonalty.

Corporation temporal by Authority of the Common Law, is the Assembly in Parliament, which consists of the King, the Head of the Corporation; the Lords Spiritual and Temporal, and the Commons of the Realm, the Body of the Corporation.

Bodies politick.

Bodies politick are Bishops, Abbots, Priors, Deans, Parsons of Churches, and such like, which have Succession in one Person only.

If Land be given to a Mayor and Commonalty for their Lives, they have an Estate by Intendment not determinable. So it is if a Feoffment be made of Land to a Dean and Chapter, without speaking of Successors. Release of a Mayor for any Sum of Money due to the Corporation, in his own Name, is not good in Law. In case of a sole Corporation, or Body politick, as Bishop, Parson, Vicar, Master of Hospital, &c. no Chattel, either in Action or Possession, shall go in Succession, but the Executors or Administrators of the Bishop, Parson, &c. shall have them; for Succession in a Body politick is as Inheritance in case of a Body private. But otherwise it is in case of a Corporation composed of many, as a Dean and Chapter, Mayor and Commonalty, and such like; for there they in Judgment of the Law never die.

Corporacion Temporal per le Roy est un Mayor & Communaltie.

Corporacion Temporal per Autorite del Common Ley est le Assembly en Parliament, le quel consist del Roy, le Teste del Corporation; les Seignieurs Spirituels & Temporals, & les Commons del Royalm, le Corps del Corporation.

Corps politique.

Corps politique sont Evesques, Abbes, Priors, Deans, Parsons d'un Eglise, & tiels semblables, queux ont succession en un Person seulement.

Si Terre soit done al Maior & Communaltie pur leur vies, ils ont Estate per entendment nient determinable. Ilint est si Feoffment soit fait de Terre al Deane & Chapter, sans parlance de Successors. Release d'un Maior pur ascun somme de argent due al Corporation en son nosme demesne nest bone en Ley. En case de un sole Corporation, ou Corps politique come Evesque, Parson, Vicar, Master de Hospital, &c. nul Chattel, ou en Action ou Possession, alera en Succession, mes les Executors ou Administrators del Evesque, Parson, &c. eux avera; car Succession en Corps politique est come Enheritance en case de un Corps private. Mes autrement est en case d'un Corporation aggregate de plusors, come Deane & Chapter, Maior & Communaltie, & semblables; car la ils en jugement del Ley ne unques deviont.

Un.

Uncore le case del Chamberlain de *Londres* differt de toutes ceux, & son Successor poit en son nosme demesne aver Execution de un Recognisance conuist a son Predecessor pur Orphanage money: & le reason est, pur ceo que en cest case le Corporation del Chamberlain est per Custome, & mesme le Custome que ad luy create, & fait un Corporation en Succession quand al dit special purpose concernant Orphanage, ad enable le Successor a prendre tiels Recognisances, Obligations, &c. que sont fait a son Predecessor. Et tiel Custome est foundue sur grand reason; car les Executors ou Administrators del Chamberlain ne doivent entremedde ove tiels Recognisances, Obligations, &c. queux per le Custome sont prise en le corporate capacity del Chamberlain, & nemy en son private. Mes Evesque, Parson, &c. ou ascun sole Corporation, que sont Corps politique per Prescription, ne poyent prendre Recognisance ou Obligation, mes seulement a lour private, & nemy en lour politique capacity; car la fault Custome a prendre Chattel en lour politique ou corporate capacite.

*Corpus cum Causa, vel
Habeas Corpus.*

C*ORPUS CUM CAUSA* est un Brief issuant hors del Chancery, a remover ensemble le Corps & le Record del Cause de ascun home en Execution sur Judgment pur Debt, en Banque le Roy, &c. cy remainer donque il ad satisfie le

Met the Case of the Chamberlain of London differs from all these, and his Successor may in his own name have Execution of a Recognisance acknowledged to his Predecessor for Orphanage Money: and the Reason is, because in this case the Corporation of the Chamberlain is by Custom, and the same Custom that hath created him, and made a Corporation in Succession, as to the said special purpose concerning the Orphanage, hath enabled the Successor to take such Recognisances, Obligations, &c. that are made to his Predecessor. And this Custom is founded upon great reason; for the Executors or Administrators of the Chamberlain ought not to intermeddle with such Recognisances, Obligations, &c. which by the said Custom are taken in the Corporate Capacity of the Chamberlain, and not in his private. But a Bishop, Parson, &c. or any sole Corporation, that are Bodies politick by Prescription, cannot take a Recognisance or Obligation, but only to their private, and not in their politick capacity; for they want Custom to take a Chattel in their politick or corporate Capacity.

*Corpus cum causa, or
Habeas Corpus.*

C*ORPUS CUM CAUSA* is a Writ issuing out of the Chancery, to remove both the Body and the Record of the Cause of any Man lying in Execution upon a Judgment for Debt, into the King's Bench, &c. there to lie till he have satisfied the Judgment.

Judgment. Fitzh. Nat. Brev. fol. 251. c.

It lies also to remove any Action from inferior Courts of Record into any of the three Courts of Law in Westminster.

Corruption of Blood.

Corruption of Blood is, when any one is attainted of Felony or Treason, then his Blood is said to be corrupt; by means whereof neither his Children, nor any of his Blood, can be Heirs to him, or to any other Ancestor, for that they ought to claim by him. And if he were a Noble or Gentleman before, he and all his Children are made thereby ignoble and ungente, having regard to the Nobility or Gentry they claim by their Father, which cannot be restored by the King's Grant, without Authority of Parliament.

But if the King will pardon the Offender, it will cleanse the Corruption of the Blood of those Children which are born after the Pardon, and they may inherit the Land of their Ancestors, purchased, at the Time of the Pardon, or afterwards; but so cannot they who were born before the Pardon. Also he that is attainted of Treason or Felony shall not be Heir to his Father: But this Disability shall hinder others to be Heir, so that during his Life the Land shall rather escheat to the Lord of the Fee, than descend to another.

But if he who is attainted, dies without issue of his Body during the Life of his Ancestor, then his younger Brother, Sister or Cousin shall inherit: For if the eldest Son be

Judgment. Fitzh. Nat. Brev. fol. 251. c.

Ceo gist auxy a remover un Action hors des inferior Courts de Record en ascuns Courts del Ley en Westm.

Corruption de Sanke.

Corruption de Sanke est, quant ascun est atteint de Felony ou Treason, donques son Sanke est dit destre corrupt; per reason de quel ses enfants, ne ascun de son Sanke, ne poient estre heires a luy, ne al ascun auter Ancestor, pur ceo que ils doyent claime per luy. Et sil fuit Noble ou Gentlehome devant, il & toutes ses enfants per ceo sont faits ignoble & ungentle, ayant regard al Nobilitie ou Gentry ils claime per leur pere, que ne poit estre sane arere per Grant le Roy sans autoritie de Parliament.

Mes si le Roy voile pardon l'offendor, il voile purger le Corruption del Sanke des tiels issues queux sont nee puis le Pardon, & ils poyent inherit le terre de leur Ancestor purchase al temps del Pardon, ou apres; mes issint ne poyent ils queux fueront nee devant le Pardon. Auxy il que est atteint de Treason ou Felonie ne serra heir a son pere: mes cest disability estoppera auters destre son heire, issint que durant son vie le terre porius eschetera al Seignieur del Fee, que discende al auter.

Mes si il que est atteint morust sans issue de son corps, durant le vie son Ancestor, donque son puisne Frere, Soer, ou Cousin inheritera: Car si leigne fits soit pendue.

pendus, ou abjure le terre pur Felonie, durant le vie le Pere, il n'est impediment mes que le puisne firs puit inheriter. 27 Ed. 3. c. 77. Et sil que est attainit de Treason ou Felonie en le vie de son Ancestor, purchase le Pardon le Roy devant le mort son Ancestor, uncore il ne serra Heire al dit Ancestor, mes la Terre potius eschetera al Seigni. our del Fee per le Corruption del Sanke, 26 Aff. placit. 2. Mes si leigne firs soit Clerk conviēt en le vie son Pere, & puis son Pere morust; en cest case il inheritera la Terre son Pere, pur ceo que il ne fuit attainit de Felonie; car per le Common Ley il serroit inherit puis que il ad fait son Purgation. Et jammes per le Stat. de 18 Eliz cap 6. il serra subit enlarge puis le arser en le maine, & deliver hors de prison, & nient commit al Ordinary a fair son Purgation; mes il est en mesme plite come il ad fait son Purgation.

Si home que ad Terre en droit sa feme ad issue, & son Sanke est corrupt per Attainder de Felony, & le Roy luy pardon; en cest case, si le feme morust devant lay, il ne serra Tenant per le curtesie, pur le Corruption del Sanke de cel issue. Mes autrement est sil ad issue puis le Pardon; car donque il serra Tenant, nient obstant que le issue que il avoit devant le Pardon ne soit inheritable, 13 H. 7. cap. 17.

hanged, or abjure the Realm for Felony, during the Life of the Father, it is no Impediment but that the youngest Son may inherit. 27 Ed. 3. cap. 77. And if he who is attainit of Treason or Felony in the Life of his Ancestor, purchase the King's Pardon befoze the Death of his Ancestor, yet he shall not be heir to the said Ancestor, but the Land shall rather escheat to the Lord of the Fee by the Corruption of Blood. 26 Aff. pla. 2. But if the eldest Son be a Clerk conviēt in the Life of his Father, and after his Father dies; in this case he shall inherit his Father's Land, because he was not attainted of Felony; for by the Common Law he should inherit after he had made his Purgation. And now by the Statute of 18. El. cap. 6 he shall be forthwith enlarged after burning in the Hand, and denbered out of Prison, and not committed to the Ordinary to make his Purgation; but he is in the same case as if he had made his Purgation.

If a man that hath Land in Right of his Wife hath Issue, and his Blood is corrupt by Attainder of Felony, and the King pardons him; in this Case, if the Wife dies befoze him, he shall not be Tenant by the Courtesie, for the Corruption of the Blood of that Issue. But it is otherwise if he hath Issue after the Pardon; for then he shall be Tenant, although the Issue which he had befoze the Pardon be not inheritable. 13 Hen. 7. cap. 17.

If a Man seised of Land hath Issue two Sons, and the Eldest is attainted in the Life of his Father of Felony, and therefore executed, or otherwise dies during the Life of his Father, and after the Father dies seised; the Land shall descend to the Youngest Son, as Heir unto his Father, if the Eldest Son hath no Issue then alive. But if the Eldest Son, who was attainted, hath any Issue alive, which should have inherited but for the Attainder, the Land shall escheat to the Lord, and shall not descend to the youngest Brother, because the Blood of the eldest Brother is corrupt. 32 Hen. 8. Dyer. 48.

But it is to be noted, That there are divers Things made Treason by Act of Parliament, whereof although a Man be attainted, yet his Blood is not corrupt, neither shall he forfeit any Thing, but that which he hath for his own Life; As if a Man be attainted upon the Statute of 5 Eliz. cap. 1. ordained against the Maintaining of the Authority of the Bishop and See of Rome, this shall not extend to make any Corruption of Blood, the Disinheritance of an Heir, Forfeiture of any Dower; nor to the Prejudice of the Right or Title of any Person, other than the Offender during his natural Life only.

So if a Man be attainted by Force of the Statute of 5 Eliz. cap. 11. prohibited against the Clipping, Mashing, Filing, and Rounding of Money, yet there is no Corruption of Blood. In the same Manner is it of the Statute of 18 Eliz. cap. 1.

Si home seisie de Terre ad issue deux firs, & leigne est attaint en le vie son Pere de Felonie, & pur ceo execute, ou auterment morust durant le vie de son pere, & puis le pere morust seisie; le Terre discendra al puisne firs, come Heire a son pere, si leigne firs nad issue donques en vie. Mes si le eigne firs que fuit attaint, ad ascun issue en vie, que inheritera mes pur le attainder, le Terre escheatera al Seignior, & ne discendera al puisne frere, pur ceo que le Sank del eigne frere est corrupt. 32 Hen. 8. Dyer 48.

Mes est desire observe, Que la sont ascuns choses fait Treason per Act de Parlement, de queux comment que home soit attaint, uncore son Sanke nest corrupt, & il forfeitera riens, forsque ceo que il ad pur son vie demesne: Come si home soit attaint sur le Stat. de 5 Eliz. cap. 1. ordeigne envers le maintenance del autoritie del Evesque & See de Rome. ceo ne extendra a faire ascun Corruption de Sanke, le disheritance d'ascun Heire, forfeiture d'ascun Dower, ne al prejudice del droit ou title d'ascun person, aut' que le Offendor durant son natural vie solement.

Iffint si home soit attaint per force del Statute de 5 Eliz. cap. 11. provide encounter le clipping, wathing, filing & rounding de Argent, uncore la nest ascun Corruption de sanke. En mesme le manner est del Stat. de 18 Eliz. cap. 1.

1 Jac. cap. 12. 1 Mar. cap. 12. encounter illoyal assemblies; & 5 Eliz. cap. 14. encounter le Forger de faits; & le Statute de 31 Eliz. cap. 4. encounter le Embezilling le Ordinance, Armour, & Artillerie le Roigne.

Corse present.

Corse present sont parols significant un Mortuarie; & le reason pur que le Mortuarie est issint appel est, pur ceo que ou un Mortuarie soloit destre due, le Corps del mieux des Avers fuit, solong; le Ley ou Custome, offered ou present al Priestre. Veies Ann. 21 H. 8. cap. 6. ou enter aut' choses est enact, Que nul Mortuary ne Corse present, ne ascun sum de argent ou auter chose, pur ascun Mortuarie ou Corse present, ferra demaund, receive, ou ad, mes solement en tiels lieux & Villes ou Mortuaries ont estre accustome deffee prise & pay.

Cosinage.

Cosinage est un Brief que gift lou mon Besayel, mon Tresayel, ou aut' Cousin, devie seise in Fee-simple, & un Estranger abata, cest adire, ent' en les Terres; donques jeo avera vers luy cest Brief, ou envers son Heire, ou Alienee, ou envers quecunq; que aveign apres a les dits Terres. Mes si mon Ayel devie seisie, & un Estranger abate; donques jeo avera un Brief de Ayel. Mes si mon Pere, Mere, Frere, Soer, Uncle ou Aunt, devie seisie, & un Estranger

1 Jac. cap. 12. 1 Mar. cap. 12. against unlawful Assemblies, and 5 Eliz. cap. 14. against the Forging of Evidence; and the Statute of 31 Eiiiz. cap. 4. against the Embezillings of the Queen's Ordinance, Armour, or Artillery.

Corse present.

Corse present are Words signifying a Mortuary; and the Reason why the Mortuary is so termed, is, because where a Mortuary was wont to be due, the Body of the best Beast was, according to the Law or Custom, offered or presented to the Priest. See Anno 21 Hen. 8. cap. 6. where among other Things it is enacted, That no Corse present, nor any Sum of Money, or other Thing, for any Mortuary or Corse present, shall be demanded, received, or had, but only in such Places and Towns where Mortuaries have been accustomed to be taken and paid.

Cosinage.

Cosinage is a Writ that lies where my great Grandfather, my Grandfather's Grandfather, or other Cousin, dies seised in Fee-simple, and a Stranger abates, viz. enters into the Lands, then I shall have against him this Writ, or against his Heir, or his Alienee, or against whomsoever comes after to the said Lands: But if my Grandfather die seised, and a Stranger abates, then I shall have a Writ of Ayel. But if my Father, Mother, Brother, Sister, Uncle, or Aunt die seised, and a Stranger abates,

abates; then I shall have an Affise of Mortdauncester.

abata; donques jeo avera un Affise de Mortdauncester.

Cottage.

Cottage.

Cottage is a little House for the Habitation of pooz Men, without any Land belonging to it, whereof Mention is made in the first Statute made in 4 E. 1. And the Inhabitant of such a House is called a Cottager. But by a Statute made in the Thirtys-first Year of the Queen Eliz. cap. 7. no Man may build such a Cottage for Habitation, unless he lay unto it four Acres of Freehold-land; except in Market-Towns or Cities, or within a Mile of the Sea, or for the Habitation of Labourers in Mines, Sailors, Foresters, Shepherds, &c.

Cottage (*Cottagium*) est un petite Meason pur le habitation de povers homes, sans aucun Terre a ceo appartenant; come mention est fait en le primer Stat. fait en 4 E. 1. Et le inhabitant en tiel meason est appelle un Cottager. Mes per un Stat. fait en 31 le Roigne Eliz. cap. 7. nul home poit edifier tiel Cottage pur habitation, sinon que il fait giser a ceo quat' acres de Terre de Franktenement; except en Cities & Market-Boroughs, ou deins un mille del mere, ou pur le habitation des Laborers en Mines, Sailers, Foresters, Pastors, &c.

Coucher.

Coucher.

Coucher is a Factor who continues in some Place or Country for Traffick. Anno 37 E. 3. cap. 16. It is also used for the general Book into which any Copporation enters their particular Acts for a perpetual Remembrance of them.

Coucher est un Factor que remain en ascun lieu ou Pais pur chevisance. Anno. 37 E. 3. cap. 16. Il est auxy use pur le common Livre en que ascun Corporat' entraft lour particular Faits pur un perpetual register de eux.

Covenable.

Covenable.

Covenable is a French Word signifying Convenient or suteable; as Covenably endowed. Anno 4 Hen. 8. cap. 12. It is anciently written Convenable, as in the Stat. 27 Ed. 3. Stat. 2. cap. 17.

Covenable est un parol François que signifie convenient ou suteable, come Covenably endow'd. An. 4 Hen. 8. cap. 12. Ceo est antiequement escrit convenable, come en le Stat. 27 Ed. 3. Stat. 2. cap. 17.

Covenant.

Covenant.

Covenant is an Agreement made by Deed in writing, and sealed between two persons,

Covenant est un Agreement fait per Fait en escript, & ensele perenter deux persons

sons, lou chescun de eux est tenu al auter de performer certain Covenants pur son part; & si l'un de eux ne tient pas son Covenant, le auter avera ent un Brief de Covenant.

Et *Covenants* sont ou en Ley, ou en Fait. *Cok. lib. 4. fol. 80.* ou Covenant expresse & Covenant en Ley. *Co. lib. 6. fol. 17.* Un *Covenant en Ley* est ceo que le Ley entend destre fait, nient contristeant que en parols ne soit expresse: Come si home demise un chose al aut' pur un certain t'me, le Ley entende un Covenant del part le Lessor, que le Lessee tiendra tout son term' encounter tout loyal encumbrances. *Covenant en Fait* est ceo que expressement est agree perenter les parties.

Auxy la est Covenant meermement personal, & Covenant real. *Fitz. Nat. Brev. fol. 145.* semble adire, que *Covenant real* est, per que home luy oblige de passer un chose real, come Terres ou Tenements; sicome *Covenant de levier un Fine de Terre: Covenant meermement personal* est, ou home Covenant ove auter per fait, de edifier un maison, ou de server luy. Veies le veil Livre de *Entries*, verbo *Covenant*.

Mes nota bien, Que nul Breve de Covenant serra maintainable sans especialty, sinon en le City de Londres, ou en ascun auter tiel lieu privilege per custome & use.

Coverture.

Coverture est, quant un home & un feme sont espouse ensemble; ore ascun chose que

where each of them is bound to the other to perform certain Covenants for his Part; and if the one performs not his Covenant the other shall have thereupon a Writ of Covenant.

And Covenants are either in Law, or in Fact. *Co. lib. 4. fol. 80.* or Covenant expresse, and Covenant in Law. *Cok. lib. 6. fol. 17.* A Covenant in Law is that which the Law intends to be done, though it be not expresse in Words: As if a Man demise any Thing to another for a certain Term, the Law intends a Covenant of the Part of the Lessor, that the Lessee shall hold all his Term against all lawful Incumbrances. *Covenant in Fact* is that which is expressely agreed between the parties.

Also there is a Covenant merely personal, and a Covenant real. *F. N. B. fol. 145.* seems to say, that *Covenant real* is, whereby a Man ties himself to pass a Thing real, as Lands or Tenements; as a Covenant to levy a Fine of Land: *Covenant merely personal* is, where a Man covenants with another by Deed, to build a House, or to serve him. See the Old Book of Entries, in the Word *Covenant*.

But note well, That no Writ of Covenant shall be maintainable without Especialty, except in the City of London, or in some other Place privileged by Custom and Use.

Coverture.

Coverture is, when a Man and a Woman are married together; now whatsoever is done

concerning the Wife in the Time of the Continuance of this Marriage, is said to be done during the Coverture, and the Wife is called a Woman Covert, and thereby is disabled to contract with any one, to the Prejudice of her self or her Husband, without his Consent and Privity, at the least without his Allowance and Confirmation. See Brook this Title. And Bract. saith, That all Things that are the Wife's are the Husband's; neither hath the Wife Power of her self, but the Husband, lib. 2. cap. 15. and the Husband is the Head of his Wife, lib. 4. cap. 24. and again, that in any Law-matter she cannot answer without her Husband, lib. 5. tract. 1. cap. 3. And if the Husband alien his Wife's Land during the Coverture, she cannot gain say it during his Life.

By the Common Law the Wife of the King of England is a Person exempt from the King, and may take Lands and Tenements of the gift of the King, and may sue or be sued without the King. Co. Litt. 133. a.

Covin.

COvin is a secret Assent determined in the Hearts of two or more, to the Prejudice of another: As if a Tenant for term of Life, or Tenant in Tail, will secretly conspire with another, that the other shall recover against the Tenant for Life the Land which he holds, &c. in Prejudice of him in the Reversion.

Or if an Executor or Administrator permit Judgments to be entered against him by fraud, and plead them to a Bond, or any fraudulent Assignment or

fait concernant la femme en temps de la continuance de cest Mariage, est dit destre fait durant le Coverture, & le femme espouse est appel un Feme Covert. & per ceo disable de contracter ove aucun, al prejudice de sa mesme ou sa baron, sans son consent ou privitie, al meins sans son allowance ou confirmation. Veies Brook cest Title. Et Bracton dit, Que tous choses que sont la femmes, sont le barons. nec ad la femme poyar de sa mesme, mes le baron, lib. 2. cap. 15. & que le baron est le teste sa femme, lib. 4. cap. 24. & arere, que en aucun Chose legal el ne poit responder sans sa baron, lib. 5. tract. 1. cap. 3. Et si le baron alien le Terre sa femme durant le Coverture, el ne poit ceo dedire en le vie sa baron.

Per le Common ley la Femme del Roy de Engleterre est person exempt del Roy, & poit prender Terres ou Tenements del done del Roy, & poer suer ou estre sue sans le Roy Co. Litt. 133. a.

Covin.

COvin est un secret Assent determine en les cœurs de deux ou plusors, al prejudice d'un autre: Come si Tenant pur terme de vie, ou Tenant en le taile, secretment conspire ove un autre, que l'auter recovers vers le Tenant pur vie le Terre que il tient, &c. en prejudice de celui en le Reversion.

Ou si Executor ou Administrator permet Judgment, destre enter envers luy per fraud, & plead eux al obligation; ou si aucun fraudulent assignement ou

conveiance soit fait, la party
grieve poer plead Cov'n & re-
lieve luy mesme. Veies Stat.
2 R. 2. cap. 3. 3 H. 7. cap. 4.
13 Eliz. cap. 9. & 27 El.
cap. 4.

Count.

Count est tant come l'origi-
nal Declaration en un
Proces, uncore plus tost use
en real que personal Actions;
come Declaration est plus ap-
ply al personal que real. F.
N. B. 16. a. 60. d. n. 71. a.
191. e. 217 a. Libel ove
les Civilians comprehend
ambideux. Et uncore Count
& Declaration sont ascun foirs
confound; come Count en Det,
Kitch. 281. Count ou Declarati-
on en Appeal, Pl. Cor. 78.
Count en Trespass, Brit cap. 26.
Count en Action de Trespass
sur le Case pur Slander, Kitch.
252. Countours ad este prise pur
riels queux home receive de
parler pur luy en ascun Court
come Advocates; & Pledeurs
destre un auter sort, come At-
tornies pur un que est pre-
sent en person, mes souffre un
auter a dire pur luy. Coun-
tours per M. Horne, sont riels
Serjeants erudite en les Leyes,
que servont les lay gents de
defender lour Actions en Ju-
dicature pur lour fee.

Countee.

Countee dicitur a comitan-
do, quia comitantur Regem;
& fuit le plus eminent &
supreme dignitie del Con-
quest, jefque le unzisme an
del Roy Ed. 3. ou le Black
Prince fuit create Duke de
Cornwal: & ceux que de ancient
remps fueront create Count',
fueront de Sanke Royal; &

Conbeyance be made, the Party
grieved may plead Cobin, and
relieve himself. See the Stat. 2 R.
2 cap. 3. 3 H. 7. cap. 4. 13 El.
cap. 5. and 27 El. cap. 4.

Count.

Count is as much as the Ori-
ginal Declaration in a Pro-
cess, though moze used in real
than personal Actions; as De-
claration is moze applied to
personal than real, F. N. B. 16.
a. 60. d. n. 71. a. 191. e. 217 a. A
Libel with the Civilians com-
prehends both. Bet Count and
Declaration are confounded
sometimes; as Count in Debt,
Kitch. 281. Count v2 Decla-
ration in Appeal, Pl. Cor. 78.
Count in Trespass, Brit. cap. 26.
Count in Action of Trespass
upon the Case for a Slander,
Kitch. 252. Countours have been
taken for such as a Man re-
tains to speak for him in any
Court, as Advocates; and Ple-
deurs to be another sort, as At-
torneys for one that is present
himself, but suffers another to
speak for him. Countours, ac-
cording to M. Horne, are such
Serjeants skilful in the Law,
which serve the Common Pro-
ple to defend their Actions in
Judicature for their Fee.

Countee.

Countee (so called a comitan-
do, because they accompany
the King) was the most emi-
nent and high Dignity from
the Conquest, until the 11 Year
of King Ed. 3. when the Black
Prince was created Duke of
Cornwall; and those who of
Antient Time were created
Countees, were of Blood-Royal;
and

and at this Day the King in all his appellations styles them by the name of our most dear Cousin. And for these causes the Law gives them high and great Privileges; and therefore their body shall not be arrested for Debt, Trespass, &c. because the Law intends that they assist the King with their Counsel for the publick Good, and keep the Realm by their Prowess and Valour. Also for the same cause they shall not be put in Juries, although it be for the service of the Country. And if Issue be taken, whether the Plaintiff or Defendant be a Countee or not, this shall not be tried by the Country, but by the King's Writ.

Also the Defendant shall not have a Day of favour against a Lord of the Parliament, because he is intended to attend the Publick. And of ancient time the Countee was *Præfectus* or *Præpositus Comitatus*, and had the Charge and Custody of the County: And now the Sheriff hath all the Authority for Administration and Execution of Justice which the Countee had, *Cok. lib. 9. fol. 49.* and therefore he is called Viscount.

Countenance.

Countenance seems to be used for Credit or Estimation. *Old Nat. Brev. 111.* in these words; The Attaint shall be granted to poor men that will take their Oaths they have not any thing whereof to make their Fine, saving their Countenance. In the same Manner it is used, *1 Edw. 3 Stat. 2. cap. 4.* in these words; She

jesq; a cest jour le Roy en tous ses appellations stile eux per le nosme *Charissimi consanguinei nostri*. Et pur ceux causes le Ley done a eux haut & grand Privileges; & pur ceo leur corps ne serra arrest pur Det, Transg', &c. pur ceo que le Ley entend que ils assistont le Roy ove leur counsel pur le weale publique, & gardont le Royalm en sasetie per leur prowessse & valour. Auxy pur mesme le cause ils ne ferront mise en Juries, coment que ceo soit pur le service del Pais. Et si issue soit prise, si le Plaintiff ou Defendant soit un Countee ou nemy, ceo ne serra trie per Pais, mes per le Brief le Roy,

Auxy le Defendant navera jour de grace vers le Seignour del Parliament, pur ceo que il est intend de attendre le publique. Et de ancient temps le Countee fuist *Præfectus. seu Præpositus Comitatus*, & ad le charge & custodie del Countie: & ore le Viscount ad tout l'Authoritie pur Administration & execution de Justice que le Countee avoit, *Cok. lib. 9. fol. 49.* & pur ceo est appelle Viscount.

Countenance.

Countenance semble destre use pur Credance ou Esteeme. *Viel N. B. 111.* in ceux parols; Le Attaint sera grantus as povers homes que prendront leur serement que ils ont riens de que ils poyent faire leur Fine, ouster leur Countenance. En mesme le manner est use *1 Ed. 3. Stat. 2. cap. 4.* en ceux

ceux parols: Viscounts chargeront le Dettrors le Roy ove tant que ils poyent levier oye lour Seremens, sans abatement del Countenance des Debtors.

Countermand.

Countermand est, quant chose execute per devant est apres per ascun act ou ceremony frustrate per le Partry que ad ceo primes fait. Come si home ad fait son darreine Volunt, per que il devise son Terre al J. S. & puis il enseoffe auter home de mesme le Terre, ore ceo Feoffment est un Countermand al Volunt, & le Volunt quant al disposition del Terre est voide. Si feme seisie de Terre en Fee fist sa Volunt en escript, & per ceo devisa, que si A. de B. luy survivera, donque el devise & bequeath a luy & a ses Heirs sa Terre, & apres el entermarrie ove le dit A. de B. ore, per prisel de luy a Baron & coverture al temps de sa mort, le Volunt est countermand.

Mes si un Baroness Widow retaine deux Chapleins selonque le Statute, & prist un de Nobility a Baron, & puis le Baron morust, le Reteiner de ceux deux Chapleins remaine, & ils sans novel Reteiner poient prender deux Benefices; car lour Reteiner ne fuit determine ne countermand per tiel Marriage.

Si feme fist Lease a volunt, & puis prist Baron, ceo Marriage nest Countermand al Lease, sans expresse matter, fist

riffs shall charge the King's Debtors with as much as they may levy with their Waths, without abating the Debtors Countenance.

Countermand.

Countermand is, where a thing formerly executed is afterward by some Act or Ceremony made void by the Partry that hath first done it. As if a Man hath made his last Will, whereby he devises his Land to J. S. and afterwards he inteoffs another of the same Land, there this Feoffment is a Countermand to the Will, and the Will, as to the Disposition of the Land, is void. If a Woman seised of Land in Fee makes a Will in writing, and devises that if A. of B. survives her, then she devises and bequeaths to him and his Heirs her Land, and afterwards she entermarries with the said A. of B. there, by taking him to Husband, and Coverture at the Time of her Death, the Will is countermanded.

But if a Baroness Widow retains two Chaplains according to the Statute, and takes one of the Nobility to Husband, and afterwards the Husband dies, the Retainer of thole two Chaplains remains, and they, without new Retainer, may take two Benefices, for their Retainer was not determined, nor countermanded by such Marriage.

If a Woman makes a Lease at will, and afterwards takes an Husband, this Marriage is no Countermand to the Lease without expresse matter done by

by the Husband after the Marriage to determine the Will. Also if a Lease be made at Will to a Woman, and she takes an Husband, the Lease continues notwithstanding the Marriage, and is no Countermand thereunto.

Counterplea.

Counterplea is, when one brings an Action, and the Tenant in his Answer and Plea vouches or calls any Man to warrant his Title, or prays in Aid of another who hath better Estate than he, as of him that is in the Reversion; or if one that is a Stranger to the Action come and pray to be received to save his Estate; if the Demandant reply thereto, and shew Cause that he ought not to vouch such a one, or of such a one to have Aid, or that such a one ought not to be received; this Plea is called a Counterplea to the Voucher, Aid, or Resceit, as the Case is. But when the Voucher is allowed, and the Vouchee comes in and demands what Cause the Tenant hath to vouch him, and the Tenant shews his Cause, and the Vouchee pleads any thing to avoid the Warranty; that is, called a Counterplea of the Warranty.

Counter-Rolls.

BY the Stat. of 3 E. 1. cap. 10. Sheriffs shall have Counter-Rolls with the Coroners, as well of Appeals, as of Enquests, &c.

per la Baron apres le Marriage a determiner le Volunt. Auxy si Lease soit fait al feme a volunt, & el prist Baron, le Lease continue nient obstant le Marriage, & il nest countermand al ceo.

Counterplee.

Counterplee est, lou un port un Action, & le Tenant en son Respons & Plee vouch ou appel ascun home pur garrant son Title, ou prayer ayd de auter que ad melior Estate, come de cestuy en la Reversion; ou si un estrange al Action vient & priera destre receive de sauver son Estate; si le Demandant reply a ceo, & monstre cause que il ne doit tiel home vouch, ou de tiel home aid aver, ou que tiel home ne doit estre receive; cest Plee est appel un Counterplee al Voucher, Ayde, ou Resceit, come le case est. Mes quand le Voucher soit allow, & le Vouchee vient eins & demande quel chose le Tenant ad de luy vouch, & le Tenant monstre son Cause, & le Vouchee plede ascun matter de avoid le Garrantie; ceo est appel Counterplee del Garrantie.

Counter-Rolls.

PER le Stat. 3 E. 1. cap. 10. les Eschevins auront Counter-Rolls ove les Coroners, cybien de Appeals, come de Enquests, &c.

Countie.

Countie est tant en signi-
ficat' come Shire, am-
bideux continent un Circuit
ou Portion del Royalm, en
que tout le Terre est appare',
pur le mieux governance de
ceo, & pluis facile administrat'
de Justice; issint que la nest
ascun part del Royalm que ne
pas gist deins asc' County: &
chesc' County est gouverne per
un annual Officer, le quel
nous appellomus Vise, que
ent' aut's duties apperteinant
a son Office, mit en execut'
tours les Mandats & Judg-
ments des Courts le Roy,
queux sont destre execute
deins le circuit. *Fort cap. 2.*
De ceux Counties la sont 4
pluis observe que auters,
appel *County Palatines*, come
Lancaster, Chester, Durham, &
Ely. *Ann 5 El. cap 23.* la soit
auxy le Countie Palat' de
Hexam. *Ann 33. Hen. 8. cap.*
10. mes de ceo *Quere.*

Countie Palat' est Jurisdi-
ction de cy alt nature que ou
touts Pleees touchant le vie ou
maihem dun home appel Pleees
del Corone, sont usualment te-
nus & execute en le nosme le
Roy, & ne poit estre fait en
le nosme dascun aut', le primer
Gardians de ceux, per especial
Charter del Roy en temps
par devant mitteront hors
touts Bieffs en leur nosme
demesne, & fairont tous
choses touchant Justice cy ab-
solutement come le Roy mes-
me en aut's Counties, sole-
ment conusant luy destre leur
Superiour & Soveraign. Mes
per le Statute de 27 H. 2 cap.
25, cest poyer fuit mult a-
bridge, le quel veies, & *Cre.*
Jurisdic. 137.

County.

County signifies as much as
Shire, both containing a
Compas or Portion of the
Realm, into which all its Land
is divided, for the better Go-
vernment thereof, and the
more easie administering of Ju-
stice; so that there is not any
Part of the Kingdom that lies
not within some County: and
every County is governed by
a yearly Officer, whom we call
Sheriff, who, among other Du-
ties belonging to his Office,
puts in Execution all the Com-
mandments and Judgments of
the King's Courts, that are to
be executed within the Compas.
Fortescue cap. 2. Of these Coun-
ties there are four more remark-
able than others, called County
Palatines, as Lancaster, Chester,
Durham, and Ely. *Ann. 5. El.*
cap. 23. There was also the
County Palatine of Hexam, *Ann.*
33 Hen. 8. cap. 13. but thereof
Quere.

A County Palatine is of so
high a Nature, that whereas all
Pleas touching the Life or mai-
hem of a Man, called Pleas of
the Crown, are usually held
and sued in the King's Name,
and cannot be passed in the
Name of any other, the chief
Governours of these, by special
Charter from the King, here-
tofore, did send out all Writs
in their own Name, and did all
things touching Justice as ab-
solutely as the Prince himself
in other Counties, only ac-
knowledging him to be their
Superiour and Soveraign.
But by the Statute of 27 H. 8.
cap. 25. this Power was much
abridged, which see, and *Cromp.*
Jurisdic. 137.

Besides these two Sorts of Counties, there are also Counties corporate, as appears by the Statute of 3 Ed. 4. 5. and these are certain Cities or ancient Boroughs of the Land, upon whom the Princes of this Nation have bestowed such extraordinary Liberties; as London, York, Chester, Gloucester, and many others.

County in another Signification is used for the County-Court which the Sheriff keeps every Month within his Charge, either by himself or his Deputy. See for this Dalton's Office of Sheriffs. Of these Counties or Shires there are reckoned to be thirty seven in England, besides the twelve in Wales.

Court.

Court is diversly taken: sometimes for the House where the King remains with his ordinary Retinue; and also the Place where Justice is judicially ministered, of which you may find 32 several Sorts in Crompt. Jurisd. well described. And of those the greater Part are Courts of Record; some are not, and therefore accounted Base Courts in comparison of the others.

Besides these, there are also Courts Christian, so called, because they handle Matters chiefly appertaining to Christianity, and such as without good Knowledge in Divinity cannot be well judged of; being heretofore held by Archbishops and Bishops, as from the Pope of Rome, but after his Ejection they held them by the King's Authority, by Virtue of his Magistracy, as the Admiral

Ouster ceux deux sorts de Counties, la sont aux' Counties corporate, come appiert per le Statute d 3 Ed. 4. 5. & ceux sont ascun Cities ou viel Burghs del Terre, sur queux les Roys de cest Gent ont don tel Franchises extraordinaires; come Lond', Eberum, Chest'r, Gloucester, & plusors auters.

Countie en un autre signification est use pur le Countie Court que le Viscount tient chescun moys deins son libertie, ou per luy mesme ou per son Deputie. Veies pur ceo Dalton's Officium Vicecom. De ceux Counties ou Shires la sont account destre 37 en Angleterre, ouster les 12 en Gales.

Court.

Court est diversment prise: ascun foirs pur le Meason ou le Roy est present ove son ordinary attendants; & auxy le lieu ou Justice est judicialment ministre, de queux vous poies trove 32 several sorts en Crompt. Jurisd. bien describe. Et de ceux le greinder sort sont Courts de Record; ascuns ne sont, & pur ceo esteem Base Courts en respect des auters.

Ouster ceux auxy la sont Courts Christian, issint appel pur ceo que ils treat choses especialment apperteinent al Christianisme, & riels que sans bone science en Theologie ne poient estre pas bien decide; esteant tenus cydevant per Archievesques & Evesques, come de Pape de Rome; mes apres son ejection ils tiendront eux per le-Authoritie le Roy Virtute Magistratus sui, come

me l'Admiral de *Angleterre* tient son Court: sur que il proceed que ils mittont hors leur Citations en leur nosmes demesne, & nemy en le nosme le Roy, come les Just. de Courts le Roy font; & pur ceo come l'Appeal de ceux Courts gisera al *Rome*, jammes per le Stat. de 25 H. 8. cap. 19. il gist al Roy en son Chancery,

of England holds his Court: whence it proceeds, that they send out their Precepts in their own Names, and not in the King's, as the Justices of the King's Courts do; and therefore as the Appeal from those Courts did lie to Rome, now by the Statute of 25 Hen. 8. cap. 19. it lies to the King in his Chancery.

Court-Baron.

Court-Baron est un Court que chescun Seign' dun Manor ad deins son Precincts demesne. De cest Court & Court-Leet *Kitch.* ad escrie un Livre pleine de bon erudition. Cest Court, come semble en *Cok l. 4. f. 26.* est double: Et pur ceo si home ayant un Manor en un Vil' granta le inheritance des routs les Copyholds a ceo appartenants a un aut', ceo Grantee poit tener un Court pur le customary Tenants, & accepter Surrenders al use de auters, & fair Admittances & Grants. L' auter Court est del Franktenants, que est properment appel le *Court-Baron*, en que les Franktenants, sont Judges; ou del aut' Court le Seign' ou son Seneschal est Judge.

Court-Baron.

Court-Baron is a Court that every Lord of a Manor hath within his own Precincts. Of this Court and Court-Leet *Kitch.* hath writ a learned Book. This Court, as it seems in *Cok lib. 4. fol. 26.* is twofold: And therefore if a Man having a Manor in a Town grants the Inheritance of all the Copyholds therein to another, this Grantee may hold a Court for the customary Tenants, and accept of Surrenders to the Use of others, and make Admittances and Grants. The other Court is of Freeholders, which is properly called the Court-Baron, wherein the Suitors, that is, the Freeholders, are Judges; whereas of the other Court the Lord or his Steward is Judge.

Coutheutlaugh.

Coutheutlaugh est celuy que voluntariment receive home utlage, & relieva ou cachaluy; en quel case il fuit en veil temps liable al mesme le punishment que le homeutlage mesme fuit, *Br. lib. 3. Tr. 2. c. 13. n. 2.* Il est compose de Couch, i. conus & Utlaw, utlage, comes nous james eux appellomus.

Coutheutlaugh.

Coutheutlaugh is he that willingly receives a Man outlawed, and cherishes or hides him; in which case he was in ancient Time subject to the same Punishment as the Man outlawed was, *Br. lib. 3. Tr. 2. cap. 13. nu. 2.* It is compounded of Couch, i. known, and Utlaw, outlawed, as we now call them.

Cranage.

Cranage.

CRanage is a Liberty to use a Crane for drawing up Wares or Goods out of any Ship, Boat or Barge, at any Creek or Wharf, and to make Profit of it. It is used also for the Money that is taken for that Work.

Creditor.

CReansor or Creditor comes of the French Creance, that is, Confidence or Persuasion; and it signifies him that trusts another with any Debt, be it Money, Wares, or other things. This Word is used in the Old N. B. in the Writ of Audita querela, f. 66. a.

Creek.

Creek is that Part of a Haven from whence any thing is landed or disburdened out of the Sea. And this Word is used in the Stat. 5 El. cap. 5. and 4 Hen. 4. cap. 20, &c.

Croft.

CRoft is a little Close or Pightle, adjoining to an House, used either for Pasture or arable, as the Downer pleases. And it seems to be derived from the old Word Creast, that is, Handicraft, because the Lands are for the most Part manured with the best Skill of the Owner.

Cucking-stool.

CUcking-stool is an Engine invented for the Punishment of Scolds and unquiet Women; and it was called in old Time a Tumbrel, as ap-

Cranage.

CRanage est un liberty pur user un Crane pur le extraire des Wares ou biens hors dun Niese, Bargeau, ou Barge, al ascun Creek ou Wharf, de faire benefite de ceo. Et use auxy pur les Deniers queux sont prises pur ceo labor.

Creansor.

CReansor venust del Francois Creance, id est, Persuasio; & signifie cestuy que consist auter ove ascun Det, soit ceo en deniers, wares, u auters choses. Ceo parol est use en le Vñ N. B. en le Brief de Audita querela, fol. 66. a.

Creek.

Creek est cest part dun Havre de quel ascun chose est discharge ou disburden hors del Mere. Et cest parol est use en le 5 an del Roigne El. cap. 5. & 4 H. 4. cap. 20, &c.

Croft.

CRoft est un petite Clause ou Pightle adjoynant al un Mease, use ou pur pasture ou arable, come ceo pleist le owner. Et semble destre derive del vieux parol Creast, id est, Handicraft, pur ceo que ceux terres sont pur le plus part manures ove le principal craft del owner.

Cucking-stool.

CUcking stool est un Engine invent pur le punishment des Scolds & inquiet femes; & fuit appel en ancient temps un Tumbrel, come appiert per Lam.

Lambard en son Eirenarch, lib. 1. cap. 12. Et per les cafes & Judgments en Eire, en le temps *Ed. 3.* Pillory & Tumbrel sont appendant al un Leet, sans queux droit ne poit estre fait as parties deins le view. *Keilwey, fol. 140. b.*

Et en le Stat. 51 H. 3. c. 6. ceo est appel *Trebuchet.*

Cui ante divortium.

C*ui ante divortium* est un Brief que gist quand Alienation est fait per le baron del Terre la feme, & puis Divorce est ew inter eux; donques la feme avera cest Brief, & le Brief dirra, *Cui ipsa ante Divortium contradicere non potuit.*

Cui in vita.

C*ui in vita* est un Brief que gist lou home est seisie de Terres en Fee-simple, Fee-tail, ou pur vie, en droit sa feme, & aliena mesme le Terre & devie; donques el avera cest Brief pur recoverer le Terre.

Et nota, Que en cest Brief son Title doit estre monster, si soit de purchase, ou inheritance la feme. Mes si le baron alien le droit sa feme, & le baron & la feme deviont, le Heire la feme avera un Brief de *Sur cui in vita.*

Cuinage.

C*uinage.* Veies *Cuynage.*

pears by *Lambard in his Eirenarch, lib. 1. cap. 12.* And by the Cases and Judgments in *Cyze*, in the Time of *Ed. 3.* a Pillory and a Tumbrel are appendant to a Leet, without which Right cannot be administered to the Parties within the View. *Keilwey, fol. 140. b.*

And in the Stat. 51 H. 3. c. 6. it is called *Trebuchet.*

Cui ante divortium.

C*ui ante divortium* is a Writ that lies when Alienation is made by the Husband of the Wife's Land, and after Divorce is had between them. then the Woman shall have this Writ, and the Writ shall say, Whom she before the Divorce might not gain-say.

Cui in vita.

C*ui in vita* is a Writ that lies where a Man is seised of Lands in Fee-simple, Fee-tail, or for Life, in Right of his Wife, and aliens the same, and dies; then she shall have this Writ to recover the Land.

And note, That in this Writ her Title must be shewed, whether it be of the Purchase, or Inheritance of the Woman. But if the Husband alien the Right of his Wife, and the Husband and the Wife die, the Wife's Heir may have a Writ of *Sur cui in vita.*

Cuinage.

C*uinage.* See *Cuynage.*

Cuntey.

Cuntesy.

Cuntesy cuntesy is a kind of Trial, as appears by Bract. in these Words; The Matter in this Case shall be ended by Cuntesy Cuntesy, as between Co-heirs. lib. 4. Tr. 3. cap. 18. And again in the same Place; In a Writ of Right the Business shall be determined by Cuntesy Cuntesy. And thirdly, lib. 4. Tr. 4. cap. 2. The Cause shall be tried by Writ of Right, neither by Bat-tel, nor by the great Assise, but by Cuntesy Cuntesy only; which seems to be as much as by an ordinary Jury.

Curfew.

Curfew comes of two French Words, Couvrir, to cover, and Feu, Fire. It is used with us for an evening Peal, by which the Conqueror wil- led every Man to take warn- ing for the raking up his Fire, and putting out his Light: So that in many Places at this Day, when a Bell is cu- stomably rung toward Bed- time, it is said to ring Cur- few.

Curia avisare vult.

Curia avisare vult is a Delib- eration which the Court purposes to take upon any dif- ficult Point of a Cause, before Judgment be resolved on. For which see the New Book of En- tries, verbo Curia &c

Curia claudenda.

IS a Writ of Action to compel another to make a fence of Wall, which the Defendant ought to make between his Land and the Plaintiff's.

Cuntesy.

Cuntesy cuntesy est un kind de Trial, come appiert per Bract. en ceux parols; *Negotium in hoc casu terminabitur per Cuntesy cuntesy, sicut inter Cohæredes. lib. 4. Tr. 3. c. 18. Et arear en mesme le lieu; In Breui de resso negotium terminabitur per Cuntesy cuntesy. Et tiercement, lib. 4. Tr. 4. cap. 1. Terminabitur negotium per Breve de resso, ubi nec Duellum, nec magna Assisa, sed per Cuntesy cuntesy omni- no; le quel semble destre tant come per le ordinary Jury.*

Curfew.

Curfew vient des deux pa- rols Francois, Couvrir, co- ver, & Feu, Fire. Est use ove nous pur un Peale vespre, per que le Conqueror command chesc' home de prender garnie pur le couverture de son Feu, & le extinguishment de son Lumen: illint que en plusors lieux a cest jour quand un Campanie est usualment tinta prochein temps du Leſt, il est dit de tinter Curfew.

Curia avisare vult.

Curia avisare vult est un Deliberation que le Court entend prendre sur asc' diffi- cile point de un Cause. de- vant Judgment soit resolve. Pur quel veies le Novel Livre de Entries, verbo Curia, &c.

Curia claudenda.

EST un brief ou Action a compeller auter a fair un fence ou mure que le def. doit fair ent' son terr' & la terre del Plaintiff.

Currieur ou Courroieur.

Courroieur est un que dresse & liquor Cuir, & est il-
sint appel del Francois parol
Cuir, id est, Corium, Cest parol
Currier est frequent en tous
les Statutes faits pur le bon
seasance de Cuir, come en 1
Jac. cap. 22, &c.

Cursitor.

Cursitor est un Officer ou
Clerk appartenant al
Chancerie, que fait hors O-
riginal Briefts. 14 & 15 H. 8.
cap. 8. Sont appel Clerks
del Course en le Serement des
Clerks del Chancerie, ap-
point Anno 18 Ed. 2. Stat. 5.
La sont de ceux vingt quat',
que ont allotta a chescun de
eux ascun Countie, en le
quels ils font hors tiel O-
riginal Breves que sont per
le subjeit require, & sont
un Corporation int' eux mes-
mes.

Curtesie de Angleterre.

Curtesie de Angleterre est,
lou home prent feme
seisie en Fee-simple, ou Fee-
tail general, ou seisie come
Heir de la tail special, &
ad issue per la Feme, Male
ou Female; soit l'issue mort
ou en vie, si la feme devie,
le baron tiendra le Terre
durant sa vie, per la Ley
de Angleterre. Et est appel
Tenant per le Curtesie de Angle-
terre, pur ceo que est use en
nul autre Royalme forsque tant-
selement en Angleterre. Si le
Enfant ne unques soit vife,
donque la baron ne serra
Tenant per le Curtesie; mes
si le issue soit nee en vie, ceo
suffice.

Currier.

Currier is one that dresses or
liquours Leather, and is so
called of the French Word Cuir,
id est, Corium, Leather. The
Word is used in all the Sta-
tutes made for the good ma-
king of Leather, as in 1 Jac.
cap. 22, &c.

Cursitor.

Cursitor is an Officer or
Clerk belonging to the
Chancery, who makes out O-
riginal Writs. 14 & 15 Hen. 8.
cap. 8. They are called Clerks
of Course in the Oath of
Clerks of the Chancery, ap-
pointed Anno 18 Ed. 2 Stat. 5.
There are of them twenty-
four, to each of whom is al-
lotted certain Shires, into
which they make out such O-
riginal Writs as are by the
Subject required, and are a
Corporation among themselves.

Curtesie of England.

Curtesie of England is, where
a Man takes a Wife seised
in Fee-simple, or Fee-tail ge-
neral, or seised as Heir of
the Tail special, and hath Issue
by her, Male or Female; be
the Issue dead or alive, if the
Wife die, the Husband shall
hold the Land during his Life,
by the Law of England. And
he is called Tenant by the
Curtesie of England, because
this is not used in any other
Realm, but only in England.
If the Infant was never
alive, then the Husband shall
not be Tenant by the Curtesie;
but if the Issue be born alive,
it suffices.

If the Woman be delivered of a Monster, which hath not the Shape of Mankind, this is not Issue in Law: But though the Issue hath some Deformity or Defect in the Hand or Foot, and yet hath human Shape, it suffices to make the Husband Tenant by the Curtesie. And in some Cases the Time of the Birth is material, and in some not. Therefore if a Man marries a Woman Inheretrix, who is great with Child by him, and the Issue is ript forth of her Belly alive; there he shall not be Tenant by the Curtesie, for this ought to begin by the Issue, and consummate by the Death of the Woman, and the Estate of the Tenant by the Curtesie ought to avoid the immediate Descent. But if the Husband hath Issue by his Wife, and after Land descends to the Woman, be the Issue then dead or alive, he shall be Tenant by the Curtesie; for the Time of the Birth of the Issue is not material, if it be in the Life of the Woman.

If Lands be given to a Woman and the Heirs males of her Body, and she takes a Husband, and hath Issue a Daughter, and dies; the Husband shall not be Tenant by the Curtesie, for the Issue cannot by any Possibility inherit the same Tenements. Also as a Woman alien, marrying one of the King's Subjects, shall not be endowed, in the same Manner a Man alien shall not be Tenant by the Curtesie.

Also if a Man seized of Land in Right of his Wife be attainted of Felony, having Issue, and then purchases the King's Par-

Si la feme soit deliver de un Monster, que nad le shape de homes, ceo nest pas Issue en Ley; Mes coment le issue ad ascun deformitie ou defect en le maine ou pee, & uncore ad humane shape, ceo suffist de faire le baron Tenant per le Curtesie. Et en ascun cases le Temps del nestre est material, & en ascun nemy. Par ceo, si home prist feme Enheretrix, que est grandment enseint per luy, & le issue est rippe hors de sa venter en vie; ore il ne serra Tenant per le Curtesie, car ceo doit commencer per le issue, & consummate per le more la feme, & le Estate de Tenant per le Curtesie covient a toller le immediate descent. Mes si baron ad issue per sa feme, & puis Terre descend al feme, soit le issue donque mort ou en vie, il serra Tenant per le Curtesie; car le temps del nestre del issue nest material, si ceo soit en la vie sa feme.

Si Terres sont dones al feme & al Heires Males de sa corps, & el prist baron, & ad issue fille, & morust; le baron ne serra Tenant pur le Curtesie, car le issue ne poit per ascun possibilitie enherit' mesme les Tenements. Auxy come un feme alien, espousant un subject de Roy, ne serra endowe; en mesme le maner un home aliegn ne serra Tenant per le Curtesie.

Auxy si home seisie de Terre en droit sa feme soit attaint de Felony, ayant issue, & donque purchase le Par.

Pardon le Roy, & puis son feme morust; la il ne ferra Tenant per le Curtesie: Mes fil ad issue per son feme nee puis le Pardon, en tiel case il ferra.

Curtilage.

Curtilage est un Garden, Yard, Camp, ou piece de vacant Terre gisant prochein & appartenant al Messuage. *Westm. part 2. sect. 26.* Et il s'entend est use 35 H. 8. c. 4. 37 Eliz. 2. Coke l. 6. f. 64.

*Custodes Libertatis Angliæ
auctoritate Parliamenti.*

Ceo fuit le Style en lequel Briefs & auters judicial Proceedings couroyent, durant les derniers temps de troubles, cest a dire, de le Meurtre du Roy Charles I. jusque al Usurpation per Cromwel. mentionne & declare trayterous per l'Estat. 12 Car. 2. cap. 3.

Customary Tenants.

Customary Tenants sont tiel Tenants que tiegnont per la Custome del Manor, come leur special Evidence.

Custome.

Custome poit este define estre un Ley ou Droit nient escrie, que esteant establie per veil use, & le consent de nostre Ancestors, ad este & journalment est mise en ure. Custom est ou general ou particular. General est ceo que est approve per tout Angleterre, de queux vous poyes lier en *Doctor & Student*, l. 1. c. 7. plusors fort digne

don, and after his Wife dies; there he shall not be Tenant by the Curtesie: But if he hath Issue by his Wife born after the Pardon, in such case he shall.

Curtilage.

Curtilage is a Garden, Yard, Field, or piece of void Ground lying near and belonging to the Messuage. *Westm. part 2. sect. 26.* And so it is used 35 H. 8. c. 4. 39 Eliz. 2. Coke l. 6. f. 64.

Keepers of the Liberty of England by Authority of Parliament.

THIS was the Style wheres in Writs and other judicial Proceedings did run, during the late Times of Trouble, viz. from the Murder of King Charles I. till the Usurpation by Cromwel, mentioned and declared traitterous by the Stat. 12 Car. 2. cap. 3.

Customary Tenants.

Customary Tenants are such Tenants as hold by the Custom of the Manor, as their special Evidence.

Custome.

Custom may be defined to be a Law or Right not writen, which being established by long Use and Consent of our Ancestors, hath been and daily is put in Practice. Custom is either general or particular. General is that which is current through all England, whereof you may read in Doctor and Student, l. 1. c. 7. many very worthy to be known. Particular

lar is that which belongs to this or that County, as Gavelskind to Kent; or to this or that Lordship, City, or Town.

Custom differs from Prescription, because Custom is common to many, and Prescription, by the Opinion of some, is particular to this or that Man. Again, Prescription may be for a shorter Time than Custom, scil. for five Years, or less: As if a Fine be duly levied of Lands or Tenements, and be not gainsaid within five Years, this is a Bar to all Claim for ever.

If a Man omits his continual Claim for a Year, and a Day, then the Tenant in Possession prescribes an Immunity against the Entry of the Demandant and his Heir. Fitzh. Nat. Brev. 79. Out of our Statutes you may have greater Diversity: So that this seems to be a true Saying. That Prescription is an Exception founded upon so long Time gone and past, as the Law limits for the Pursuit of any Action. An Example may be taken out of the Statute of 1 H. 8. c. 4. which enacts, That in all Actions, popular Information shall be made within three Years after the Offence committed, otherwise to be of no Force.

Custom is also used for the Tribute or Toll that Merchants pay to the King, to carry in and out Merchandizes, 14 E. 3. Stat. 1. cap. 21. In which Signification it is called *Customa* in Latin, *Regist. Orig. 129. a. 138. a.*

destre contus. *Particular est ceo que appartient a ceo ou tiel Countie, come Gavelskind al Kent; ou a ceo ou tiel Seigniorie, Citie, ou Ville.*

Customa differt del Prescription, pur ceo que Customa est common a plufors, & Prescription, per l'opinion de ascun, est particular a cel ou tiel home. Auxy Prescription poit estre pur un pluis curt temps que Customa, scil. pur cinque ans ou meins. Comme si Fine soit duement levie de Terres ou Tenements, & ne soit dedit deins cinque Ans, ceo est Barre a chescun Claime a tous jours.

Si home omitta son continual Claime pur un An & Jour, donque le Tenant en Possession prescribe un Privilege envers l'Entree, le Demandant & son Heire. Fitzh. Nat. Brev. 79. Hors de nostre Statutes vous poyes aver pluis grand diversitie: issint que ceo semble destre un voyer dit. Que Prescription est un Exception foundue sur tant temps ale & passe que le Ley limita pur le pursuance de ascun Action. Un exemple poit este prise hors del Statute de 1 H. 8. c. 4. que enact, Que en tous Actions populaires Information serra fait deins trois Ans puis l'Offence commit, auterment destre de nul vigour.

Customa est auxy use pur le Tribute ou Toll que Merchants payont al Roy de porter eins & hors Merchandizes. 14 E. 3. Stat. 1. cap. 21. En quel signification est appel Customa en Larine. Regist. Orig. 129. a. 138. a.

Et denierment, pur tiels Services que Tenants de un Manor doient a leur Seign'. Veil Livre de Entries, *verb' Custome. Veies Consuetud. & Servitiis.*

And lastly, for such Services as Tenants of a Manor owe unto their Lord. *Old Book of Entries, Word Custom. See Consuetud. & Servitiis.*

Custos Brevium.

C*ustos Brevium* est le premier Clerk appartenant al Court de Common Pleas, ou Bank le Roy. l'office de quel est pur recevoir & tenir tous les Briefs & mitter eux sur Files, chescun Return per luy mesme, & al fine de chescun Terme de recevoir del Prothonotaries tous les Records de *Nisi prius*, appel le *Postea*. Le *Custos Brevium* auxy fait entree des Brief de Covenant & le Concord sur chescun Fine, & fait hors Exemplifications & Transcripts de tous les Briefs & Records en son Office, & de tous les Fines levie. Les Fines, puis que ils sont engrosse, les parts de ceo sont dividee pent' le *Custos Brevium* & le Chirographer; de que le Chirographer retenir tous foits le Brief de Covenant & le Note; le *Custos Brevium* retenir le Concord, & Pee del Fine, sur quel Pee le Chirographer cause le Proclamations destre indorse quand ils tous sont proclaim.

Custos Rotulorum.

C*ustos Rotulorum* est celui que ad le custody des Rolls ou Records des Sessions del Peace, &, come ascuns semble, del Commission del Peace mesme. *Lam. l. 4. c. 3. p. 373.* Il est tous foits Justice del Peace &

Custos Brevium.

C*ustos Brevium* is the chief Clerk belonging to the Court of Common Pleas or King's Bench, whose Office is to receive and keep all the Writs, and to put them upon Files, every Return by it self, and at the End of every Term to receive of the Prothonotaries all the Records of *Nisi prius*, called the *Postea*. The *Custos Brevium* also makes Entry of Writs of Covenant, and the Concord upon every Fine, and makes out Exemplifications and Copies of all the Writs and Records in his Office, and of all the Fines levied. The Parts of the Fines, after they are ingrossed, are divided between the *Custos Brevium* and the Chirographer; whereof the Chirographer keeps always the Writ of Covenant, and the Note; the *Custos Brevium* keeps the Concord, and the Foot of the Fine, upon which Foot the Chirographer causes the Proclamations to be indorsed when they are all proclaimed.

Custos Rotulorum.

C*ustos Rotulorum* is he that hath the keeping of the Rolls or Records of the Sessions of the Peace, and, as some think, of the Commission of the Peace it self. *Lam. l. 4. c. 3. p. 373.* He is always Justice of the Peace and Quorum

in the County where he hath his Office; and by his Office he is rather termed an Officer or Minister, than a Judge, because the Commission of the Peace lays this special Charge by expresse Words upon him, That he should cause the Writs, Precepts, Process and Indictments aforesaid to come and be before him and his fellow Justices at the Days and Places aforesaid. See 37 H. 8. c. 1. and 3 & 4 Ed. 6. c. 1. 2 Inst. 674.

Gardian of the Spiritualties.

Gardian of the Spiritualties is he that exercises the Spiritual and Ecclesiastical Jurisdiction of any Diocels during the Vacancy of the See; the Appointment of whom by the Canon Law pertains to the Dean and Chapter, lest in the Vacancy of the See some Innovation should be introduced. But in England the Archbishop of the Province hath it by Prescription. Howbeit many Deans and Chapters (as M. Gwyn saith in his Preface to his Readings) challenge this by ancient Charters from the Kings of this Land.

Cuynage.

Cuynage is a Word used in the Statute of 11 H. 7. cap. 4. for the making up of Tin into that Fashion as it is used to be framed, for the better Carriage of it into other Parts.

Quorum en le Countie ou il ad son Office; & per son Office il est pluistost appelle un Officer ou Minister, que un Judge, pur ceo que le Commission del Peace impose cest especial Charge per expresse parols sur luy. *Quod ad dies & loca predicta Brevia, Precepta, Processus & Indictamenta predicta coram te & dictis Sociis tuis venire facias.* Veies 37 H. 8. c. 1 & 3 & 4 Ed. 6. c. 1. 2 Inst. 674.

Custos des Spiritualties.

Custos des Spiritualties est celuy que exercisa le Spiritual & Ecclesiastical Jurisdiction de ascun Diocesse durant le Vacancie del See; l'appointment de quel per le Ley Canon apperteint al Dean & Chapiter, *Ne Sede vacante aliquid innovetur.* Mes en Angleterre l'Archievesque del Province ad ceo per Prescription. Uncore plusors Deanes & Chapiters (come dit M Gwyn en le Preface a son Lectures) demande ceo per veils Charters des Roys de cest Terre.

Cuynage.

Cuynage est un parol use en le Statute 11 H. 7. cap. 4. pur le framer de Estaine en tiel forme come solont de ceo framer, pur le plus apt portage de ceo en auters lieux.

D.

D.

Dammage.

D*ammage* est un part de ceo que les Jurors sont de enquire, en donant leur Verdict, pur le Plaintiff ou Demandant en un Action real ou personal. Car puis le Verdict done sur le principal cause, ils sont auxy demand leur Consciences touchant Costs, queux sont les *Expences* del Suit, & *Dammages*, que contein le perde que le Plaintiff ou Demandant ad susteine per cause del tort a luy fait per le Defendant ou Tenant.

Et entant que Justice & Reason voilont, que quand le Vie, le Credit, les Terres, les Biens, le corruption de son Sanke, & tout ceo que home ad a forfeiter, en cest monde, sont mise en peril sans voyer cause, mes solement sur le malicious Accusation dun auter per Appeal, que l'Appellee a-veroit satisfaction pur ceo envers son faux Accuser, & si n'ad sufficient, donque vers luy ou ceux que luy abbetta ou procura de pursuer l'Appeale: Pur ceo le Common Ley donast *Dammages* al Defendant en un Appeal, & assigne a luy un meane pur le recoverie de eux, quand il fuist acquite del Felony, come est 48 E. 3. 22. Mes entant que les *Dammage* vers le Procurors & Abettors fueront

Damage.

D*amage* is Part of that which the Jurors are to inquire of, in giving their Verdict for the Complainant or Demandant in an Action real or personal. For after the Verdict given upon the principal Matter, they are also asked their Consciences touching Costs, which are the *Expences* of the Suit, and *Damages*, which contain the Prejudice which the Plaintiff or Demandant hath suffered by means of the wrong done him by the Defendant or Tenant.

And forasmuch as Justice and Reason require, that when the Life, Credit, Lands, Goods, Corruption of Blood, and all that a Man hath to forfeit in this World, are put in Peril without just Cause, but only upon the malicious Accusation of another by Appeal, that the Appellee should have Satisfaction therefore against his false Accuser, and if he hath not sufficient, then against him or them that abetted or procured him to pursue the Appeal: Therefore the Common Law gave *Damages* to the Defendant in an Appeal, and assigned him a Means for the Recovery thereof, when he was acquitted of the Felony, as it is 48 E. 3. 22. But forasmuch as the *Damages* against the Procurers and Abettors were to

to be recovered by Original Writ, that is, by Writ of Conspiracy, and not otherwise, which was not so speedy Remedy as the heinous Quality of the Wrong required; the Statute of Westm. the 2. An. 13 Ed. 1. cap. 12. for the more expeditious Redress thereof was ordained.

But if the Defendant bars the Plaintiff of his Appeal, then he cannot recover Damages by the said Statute against the Plaintiff, except the Bar be such as acquits the Defendant of the Felony. And if the Defendant pleads that the Appellant is a Bastard, or hath an elder Brother, or like Pleas in Bar, and thereby bar the Plaintiff; yet he shall not recover Damages against him, because the Defendant may be indicted again of the same Felony, and attainted, notwithstanding any of those Pleas; for by them the Innocency of the Defendant is not tried, and therefore he shall not have Damages. 27 Affil. pl. 5. The same Law is, if the Defendant bars the Appellant by Demurrer in Law: And so it is, if in Appeal of the Death of a Man the Defendant pleads to the Issue, and it is found by Verdict that he killed the Man in his own Defence, or by Chance-medley; in these Cases he shall not recover Damages. But if the Defendant in Appeal hath the Release of the Appellant, or the King's Pardon, and will waive them, and plead Not guilty, and is acquitted; in this Case he shall recover Da-

mage recover per Original Brief, cestascavoir per Brief de Conspiracie, & nient autrement, que ne fust cy eunt remedie come le heinous degree del tort require, le Statute de Westminster le 2. Ann. 13 Ed. 1. cap. 12. pur le plus subite redresse fuit ordaine.

Mes si le Defendant barre le Plaintiff de son Appeale, donque il ne poit recover Damages per le dit Stat. envers le Plaintiff, forsque le Barre soit tiel que acquite le Defend' del Felonie. Et si le Defendant plead que le Appellant est ou Bastard, ou ad un Eigne frere, ou tiels Pleas en barre, & per eux barre le Plaintiff; uncore il ne recouvrera Damages vers luy, pur ceo que le Defendant poit estre endite arere de mesme le Felonie, & atteint nient obstant aucun de ceux Pleas; car per eux le innocencie del Defendant nest pas trie, & pur ceo il navera Damage. 27 Aff. pla. 25. Mesme le ley est, si le Defendant barre le Appellant per Demurrer en Ley: Et issint est, si en Appeal del mort dun home le Defendant plead al issue, & est trove per verdict que il occide le home en son defence demesne, ou per Misadventure; en ceux cases il ne recouvrera Damages. Mes si le Defendant en Appeale ad le Release del Appellant, ou le Pardon le Roy, & voile eux waiver, & pled' Nient culpable, & est acquite; en cest case il recouvrera Damages.

Cest parol *Damna* est prise en la Ley en deux several significations; l'un properment & generalment, l'auter relative & stricte. Properment, come est en cases ou Dammages sont foundue sur le Statute de 2 H. 4. c. 1. & 8 H. 6. c. 9. ou Costs sont enclude deins cest parol Dammages; car *Damnum* en son proper & general signification dicitur a demendo, cum *Diminutione res deterior fit*; & en cest sens Costs de Suit sont Dammages al Plaintiff, car per eux *res sua diminuitur*. Mes quand le Plaintiff monstre le tort fait a luy a Damage de tiel somme, ceo est destre prise relative pur le tort que est passe devant le Brief port, & sont assesse *occasione Transgressionis predicti*, & ne poit extender al Costs del Suit que sont future, & de un autre nature. Veies Co. l. 10. fol. 116, 117.

Damage Cleere.

Damage Cleere, *Damna Clericorum*, fuit assesse per le disme Part en le Commune Plees, & per le vingtieme Part en le Bank le Roy, de tous Dammages, excedant cinque Marks, que fueront recover, ou per Verdict, Confession, ou Judgment del Court, en tous Actions sur le Case, Covenant, Trespas, Batterie, Faux Imprisonment, Dower, & tous autres, en le queux les Dammages fueront incerteins; que le Plaintiff fuit oblige a payer al Prothonotarie, ou chief Officer de ceo Court en que ils fueront recover, devant que il puist aver Execution

This Word Damage is taken in the Law in two several Significations; the one properly and generally, the other strictly and relatively. Properly, as it is in Cases where Damages are founded upon the Statute of 2 Hen. 4. c. 1. and 8 Hen. 6. c. 9. where Costs are included within this Word Damages; for *Damnum* in its proper and general Signification is said a demendo, when a thing by Diminution is made worse; and in this Sense Costs of Suit are Damages to the Plaintiff, for by them his Substance is diminished. But when the Plaintiff declares the Wrong done to him to the Damage of such a Sum, this is to be taken relatively for the Wrong which is passed before the Writ brought, and are assessed by Reason of the Trespas aforesaid, and cannot extend to Costs of Suit which are future, and of another Nature. See Co. l. 10. fol. 116, 117.

Damage Cleere.

Damage Cleere, *Damna Clericorum*, was assessed by the tenth Part in the Common Pleas, and by the twentieth Part in the King's Bench and Exchequer, of all Damages, exceeding five Marks, recovered either by Verdict, Confession, or Judgment of the Court, in all Actions upon the Case, Covenant, Trespas, Battery, False Imprisonment, Dower, and all others, wherein the Damages were uncertain, which the Plaintiff was obliged to pay to the Prothonotary, or chief Officer of that Court, wherein they were recovered before he could have Execution for them. But

But this is taken away by 17
Car. 2. c. 6.

Damage fasant.

Damage fasant is, when a
Stranger's Beasts are in
another Man's Ground, with-
out License of the Tenant of
the Ground, and there do feed,
tread or otherwise spoil the
Corn, Grass, Woods, and such
like: In which Case the Te-
nant, whom they damage, may
therefoze take, distrain and im-
pound them, as well in the
Night as in the Day. But in
other Cases, as for Rent and
Services, and such like, none
may distrain in the Night.

Danegeld.

Danegeld is, to be quit of a
certain Tribute which the
Danes did levy in England:
Also the Tribute it self.

This began first in the Time
of King Etheldred, who being
foze distressed by the continual
Invasion of the Danes, to pur-
chase Peace, was compelled to
charge his Country and People
with great Payments; for he
first gave them at five several
Payments 113000 l. and after-
wards granted them 48000 l.
yearly.

Darreine Present-
ment.

Darreine Presentment; an
Assise thereof lies where
For mine Ancestors have pre-
sented a Clerk to a Church,
and after, the Church being
void by the Death of the said
Clerk, or otherwise, a Stranger

pur eux. Mes ceo est abo-
lish per 17 Car. 2. c. 6.

Dammage fasant.

Dammage fasant est, quand
les Beasts de un estrang'
sont en auters Terres, sans
licence del Tenant de la
Terre, & la Mangeront,
treade ou autrement spoilont
les Brees, Grasse, Bois, ou
tiels semblables: En quel
case le Tenant que ils issint
damage, poit pur ceo prender,
distreine & impound eux,
cybien en le nuit come en le
jour. Mes en auters cases,
come pur Rent & Services, &
tiels semblables, nul poit di-
strainer en le nuit.

Danegeld.

Danegeld est quiet' esse de
quodam Tributo quod
quidam Dani levaverunt in
Anglia: Auxy le Tribute
mesme.

Ceo commence primer-
ment en temps le Roy Ethel-
dred, quel esteant en grand
distress per le continual In-
vasion de les Danes, per pur-
chaser Paix, fuit compelle
de charge son Pais & People
ove grand Payments; car il
primerment done eux al cin-
que several paiements 113000 l.
& puis grant al eux 48000 l.
annualment.

Darreine Present-
ment.

Darreine Presentment; As-
sise de ceo gist ou j-co
ou mon Ancestors ad pre-
sent un Clerk al un Esglise,
& puis, l'Esglise esteant
voide per le mort del dit
Clerk, ou autrement, un e-
stranger

stranger present son Clerke al mesme Esglise en disturbance de moy. Et coment ceo est auterment use, veies *Bract. lib. 5. tract. 2. Regist. Orig. fol. 30.* Si Baron & feme present al Advowson en droit la feme, que est appendant al Manor la feme, & puis le Baron alien un Acre parcel de Manor, ove le Advowson en fee, a un estranger, & devie, & puis le estranger presenta, & puis alien le Acre a un auter en fee savant le Advowson a luy mesme, & puis l'Esglise voide; ore la feme presentera, & s'el soit disturbe, el avera *Affise de Darreine Presentment*; pur ceo que le Advowson fuit sever del Acre. Mes si le Advowson fuit appendant al Acre, donque covient al feme a recover le Acre avant que el presentera al Advowson. *Fitz. Nat. Brev. 32.*

Darreine Continuance,

EST quand Defendant ou Tenant pendant le fuit plead novel matter fait *post ultimam continuationem placiti.* Veiea *Theolal 361. & 2 Cro. 261.*

Dean & Chapter.

Dean & Chapter est un Corps corporate Spiritual, consistant de plusieurs able Persons, come nossement de Dean (que est principal) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation payent joynement purchase Terres & Tenements al use de leur Esglise

presents his Clerke to the same Church in Disturbance of me. And how it is otherwise used, see *Bract. lib. 5. tract. 2. Regist. Orig. fol. 30.* If a Husband and Wife present to an Advowson in Right of the Wife, which is appendant to the Manor of the Wife, and after the Husband aliens an Acre, Parcel of the Manor, with the Advowson in Fee, to a Stranger, and dies, and after the Stranger presents, and then aliens the Acre to another in Fee, saving the Advowson to himself, and after the Church is void; there the Wife shall present, and if she be disturbed, she shall have an *Affise of Darrein Presentment*; because the Advowson was severed from the Acre. But if the Advowson was appendant to the Acre, then the Wife ought to recover the Acre before she presents to the Advowson. *Fitz. Nat. Brev. 32.*

Darreine Continuance,

IS when the Defendant or Tenant (pendente placito) pleads new Matter done after the last Continuance of the Plea. See *Theolal 361. & 2 Cro. 261.*

Dean and Chapter.

Dean and Chapter is a Body corporate Spiritual, consisting of many able Persons, as namely the Dean (who is chief) and his Prebends, and they together make the Corporation. And as this Corporation may jointly purchase Lands and Tenements to the Use of their Church and Successors; so likewise every of them

them severally may purchase to the Use of himself and his Heirs.

And as there are two Foundations of Cathedral Churches in England, the Old and the New; (the New are those that King Henry the Eighth, upon Suppression of Abbeyes, transformed from an Abbot, or Prior, and Convent, to Dean and Chapter:) so there are two means of Creation of these Deans: for those of the Old Foundation are brought to their Dignity like Bishops; the King first sending his Conge deaire to the Chapter; the Chapter then chusing, the King yielding his royal Assent, and the Bishop confirming, and giving his Mandate to install him. Those of the New Foundation are by a shorter course installed by the King's Letters Patent, without other Election or Confirmation.

This Word is also applied to Divers that are the chief of certain peculiar Churches or Chapels, as the Dean of the King's Chapel, the Dean of the Arches, the Dean of Saint George's Chapel in Windsor, &c.

Debet & Detinet.

DEbet & Detinet: Such may be said of these Words that shall be spoken of the Words next following. As, if a Man be bound to another, and makes his Executor, and dies, and the Honey grows due in the Time of the Testator, and afterward the Executor pays it not; the Action brought against him therefore shall be in the Detinet

& Successors; issint auxy chescun de eux severalement poit purchase al use de luy & ses Heires.

Et siccome la sont deux Foundations d'Esclises Cathedral en Angleterre, le Vieil & le Novel; (le Novel sont ceux queux le Roy Henry le huit. sur suppression d'Abbies, transforme de Abbot, ou Prior & Convent, al Deane & Chapter;) issint la sont deux means del Creation de ceux Deanes; car ceux del Vieil Foundation sont conferre a leur Dignity semble al Evesques: le Roy primerement mittant hors son Conge d'aire al Chapter, le Chapter donque essiant, le Roy rendant son royal Assent, & l'Evesque luy confirmant, & donant son Mandate de luy installer. Ceux del Novel Foundation sont per un voy plus court enstalle per les Letters Patents del Roy, sans aut' Election ou Confirmation.

Cest parol est auxy apply aux divers que sont les primes de certain peculiar Esclises ou Chappels; come le Dean del Chappel del Roy. le Dean del Archer, le Dean del Chappel de S. George en Windsor, &c.

Debet & Detinet.

DEbet & Detinet: Mult poit estre dit de ceux parols que ferra dit des parols prox' ensuivant. Come si home soit oblige a un autre, & fait son Executor, & mort, & l'argent fuist due en le temps del Testator, & apres l'Executor ceo ne renda pas; la l'Action port vers luy pur ceo ferra en le Detinet tantum: &

& issint en tous Actions port per Executors come Executors, le Brief serra en le *Detinet tantum*, coment que le dutie acruue en lour temps demefne, pur ceo que le chose ou damages recover serra Assets.

Mes si Lessee pur ans rendant Rent fait ses Executors, & morust, & le Rent incurre puis le mort del Testator; ore Action de debt serra port en le *Debet & Detinet*; car quand Executor ou Administrator prist les Profits, rien serra Assets mes les Profits ouster le Rent. Come, si le Terre vault dix Livers per An, & cinque Livers est reserve; en cest case rien serra Assets forsque le cinque Livers ouster le Rent, & pur ceo le Brief serra pur le Rent en le *Debet & Detinet*. Coke lib. 5. fol. 31.

Debet & solet. Vide Custom & Prescription.

Debet & solet sont parols use en le Veil *Natura Brevium*, fol. 98. Le Brief de *Seca molendini*, esteant en le *Debet & solet*, est un Brief de Droit. &c. Et arrere, fol. 69. Un Brief de *Quod permittat* poit estre plead en le County devant le Viscount, & poit estre en le *Debet & solet*, ou le *Debet* solement, come le Demandant clame. Pur que nota, Que ceux Briefs que sont port en tiel sort ont ceux parolx en eux, come formal parolx nient destre omit.

Et accordant al diversety del Case, le *Debet & solet* sont use, ou le *Debet tantum*. Come si home per Brief sue de recover

only: and so in all Actions brought by Executors as Executors, the Writ shall be in the *Detinet* only, although the Duty accrued in their own Time, because the thing or Damages recovered shall be Assets.

But if the Lessee for Years, rendering Rent, makes his Executors, and dies, and the Rent incurs after the Death of the Testator; there an Action of Debt shall be brought in the *Debet & Detinet*: for when an Executor or Administrator takes the Profits, nothing shall be Assets but the Profits above the Rent. As, if the Land is worth ten Pound by the Year, and five Pound is reserved; in this Case nothing shall be Assets but the five Pound above the Rent, and therefore the Writ shall be for the Rent in the *Debet & Detinet*. Coke lib. 5. fol. 31.

Debet & solet. See Custom and Prescription.

Debet & solet are Words used in the Old *Natura Brevium*, fol. 98. The Writ of *Seca molendini*, being in the *Debet & solet*, is a Writ of Right, &c. And again, fol. 69. A Writ of *Quod permittat* may be pleaded in the County before the Sheriff, and may be in the *Debet & solet*, or the *Debet* only, as the Demandant claims. Wherefore note, That these Writs that are brought in such sort have these Words in them, as formal Words not to be omitted.

And according to the Diversity of the Case, the *Debet & solet* are used, or the *Debet* only. As if a Man by Writ sues to re-

recober any Right, whereof his Ancestoz was disseiled by the Tenant oz his Ancestoz; then he uses only the Word *Debet* in his Writ, and it is not apt to use *Solet*, because his Ancestoz was disseiled, and the Custom discontinued; but if he sues for any thing that is first denied him, then he hath both these Words, *Debet & solet*; because his Ancestozs before him, and himself, have usually enjoyed the thing for which he sues, as Suit to the Bill, oz Common of Pasture, until this present Refusal of the Tenant. *Regist. Orig. fol. 144. a.*

Decem Tales.

Decem Tales. See *Tales.*

Decies tantum.

Decies tantum is a Writ that lies where a Juror in any Inquest takes Money of the one Part oz other, to give his Verdict; then he shall pay ten Times as much as he hath received; and every one that will sue may have this Action, and shall have the one half, and the King the other.

But if the King in such case release by his Pardon to such a Juror, yet that shall be no Bar against him that brings the Action, who shall recober the other half, if this Action be commenced before the Pardon of the King: but if the Pardon be before any Action, it is a Bar against all Men.

And the same Law is of all other Actions popular, where one Part is to the King, the other to the Party that sues.

asc' droit de que son ancestor fust disseile per le Tenant ou son ancestor; dunque il use solement le parol *Debet* en son Brief, & nest apt de user *Solet*, pur ceo que son ancestor fust disseile, & l'Usage discontinue; mes sil sue pur asc' chose que est primerment denie a luy, dunque il ad ambideux ceux parols, *Debet & solet*; pur ceo que ses Ancestors devant luy & luy mesme ont usualment enjoy le chose per que il fust, come Suit al Molin, ou Common de Pasture, jusque cest present refusal del Tenant. *Regist. Orig. fol. 144. a.*

Decem Tals.

Decem Tales. *Vcies Tales.*

Decies tantum.

Decies tantum est un Brief que gist lou un Juror en ascun Enquest prist argent de un partie ou de auter, pur done son Verdict, donques il payera *dime foits a tant* que il ad receive: & chescun que voile suer poit aver l'Action, & avera l'un moietie, & le Roy l'auter.

Mes si le Roy en tiel case release per son Pardon a tiel Juror, uncore ceo ne serra Barre vers cestuy que port le Action, que recovers le auter moietie, si cest Action soit commence devant le Pardon le Roy: mes si le Pardon soit devant asc' Action, il est Barre encounter tous Gents.

Et mesme le ley est de tous Actions populars, lou un part est al Roy, l'auter al parrie que suera. Auxy les

les *Embracers*, que procu-
ront tiels Enquests, ferront
punie en mesme le manner,
& ils averont Imprison-
ment de un An. Mes nul
Justice enquirera de ceo de
Office, mes solement al Suit
del party.

Deciners.

Deciners sont tiels queux
sолоyent d'aver le sur-
vey & check de Dixe fri-
burgs, pur le maintenance
del Peace le Roy; & les
Limits ou Circuit de leur
Jurisdiction fuit appel *De-*
cenna. *Bract. lib. 3. tract. 2.*
cap. 15. Auxy poyes lier
Flet. lib. 1. cap. 27. & *Regist.*
Orig. fol. 68. b.

Ceux semble d'aver grand
Authoritie en le temps des
Saxons, prentant conufance
de Causes deins leur Circuit,
& reformant torts per voy
de Judgment, come poyes
lier en les Leyes del Roy
Edward, publie per *Lambard*,
num. 32. Auxy la est men-
tion fait de ceux en *Britton*
cap. 12. que dit en le Person le
Roy (come il escria tout
son Livre) en tiel manner:
Nous voillonus que tous tiels
que sont 14 ans d'age fairont
ferement que ils ferront suffi-
cient & loyal a Nous, & que
ils ne voient estre Larons,
ne assentant a Larons, & que
touts soyent professe destre
de ceo ou tiel *Dozeine*, &
fair au offer Bail de leur
Behaviour per ceux ou cels
Deciners; exceptant religi-
ous Persons, Clerks, Chi-
valers, & leur eigne Firs
& Femés. Uncore mesme
le Author en son 29 *Chap.*
prochein al fine dit, Que

Also the Embracers, who pro-
cure such Inquests, shall be
punished in the same Manner,
and they shall have Imprison-
ment a Year. But no Justice
shall inquire thereof ex Officio,
but only at the Suit of the
Party.

Deciners.

Deciners are such as were
wont to have the Over-
sight and Command of ten
free Burghs, for preserving the
King's Peace; and the Li-
mits or Circuit of their Ju-
risdiction was called *Decen-*
na. *Bract lib. 3. tract. 2. cap.*
15. Also you may read *Flet.*
lib. 1. cap. 27. and *Regist. Orig.*
fol. 68. b.

These seemed to have large
Authority in the Saxons Time,
taking knowledge of Causes
within their Circuit, and re-
dressing Wrongs by way of
Judgment, as you may read
in the Laws of King Edward,
set out by *Lambard*, num. 32.
Also there is mention of these
in *Britton*, cap. 12. who saith
in the King's Person (as he
writes his whole Book) in
this Manner: We will that
all such as are fourteen Years
of Age shall make Oath that
they shall be sufficient and
loyal unto Us, and that they
will not be Felons, nor as-
senting to Felons, and that
all be professed to be of this
or that Dozeine, and make or
offer Surety of their Beha-
viour by these or those *Deci-*
ners; except religious Persons,
Clerks, Knights, and their
eldest Sons, and Women. Yet
the same Autho^r, in his 29th
Chap. near the End saith, That
all

all at the Age of twelve Years or above, are punishable for not coming to the Sheriff's Tourn, excepting Carls, Prelates, Barons, religious Persons, and Women.

The same Law is where the Deciners make Presentment, that a Felon is taken for Theft, and delivered to the Sheriff. And Kitchin out of the Register, and Britton saith thus, Religious Persons, Clerks, Knights or Women, shall not be Deciners. fol. 33. Whence it may be gathered, that this Word implies nothing else but such a one as by his Oath of Loyalty to his Prince is settled in the Combination or Society of a Dozein, for it is not usual at this Day to find Surety so to do. And now a Dozein seems to extend so far as the Leet extends, because in Leets only this Oath is administered by the Steward, and taken by such as are of the Age of twelve Years and upwards, dwelling within the Precinct of the Leet where they are sworn. Fitz. Nat. Brev. 161. a. The Particulars of this Oath you may read in Bract. lib. 3. tract. 2. cap. 1. num. 1. where he puts down fifteen Years for the Age of those that are sworn to the King's Peace; but lib. 3. tract. 2. cap. 11. num. 5. he names twelve Years. See Inlaugh.

From which Premises may be observed the Difference between the ancient and these our Times, in this Point of Law and Government, as well for the Age of those that are to be sworn, as also that Deciner is not now used for the

touts al age de 12 ans & defuis sont punishable pur nient vener al Tourn de Viscount, exceptant Countees, Prelates, Barons, religious Persons, & Femés.

Mesme le Ley est ou les Deciners font presentment, que un Laron est prise pur Larcenie, & deliver al Viscount. Et Kitchin hors del Register, & Britton issint dir, Religious persons, Clerks, Chivalers ou Femés, ne feront Deciners. fol. 33. Hors de quel poit estre collect, que cest parol riens autrement implie mes tiel que per son Serement de Loyaltie a son Prince est settle en le Fraternitie ou Societe d'un Dozeine, car nest usual a cest jour de trouver Sureties issint a faire. Et jammes un Dozeine semble de extend cy tant come le Leet extend, pur ceo que en Leets solement cest Serment est administred per le Seneschal, & prise per tiels que sont d'age de 12 ans & defuis, resident deins le compas del Leet ou ils sont jurus. Fitz. Nat. Brev. 161. a. Les particulars de cest Serement poyes lier en Bract. lib. 3. tract. 2. cap. 1. num. 1. ou il mitta eins quindixe ans pur l'age de ceux que sont jurus al Peace le Roy; mes lib. 3. tract. 2. cap. 11. num. 5. il nosme douze ans. Veies Inlaugh.

Hors de queux premisses poit estre observe le diversity perenter l'ancien & ceux de nostre temps en cest point de Ley & Government, cy bien pur le age de ceux que sont destre jure, come auxy que Deciner nest jamés use pur

pur le primer home de un *Dozein*, mes pur luy que est jure al Peace le Roy; & denierment, que jammes la ne sont ascun *Dozeins* fors que *Leets*; & que nul home communement done auter *Securitie* pur garde le Peace le Roy mes son Serement demesme, & que pur ceo nul respondera pur l'Offence d'un auter, mes chescun pur luy mesme.

Declaration.

Declaration est un Monstrance en escript de le grief & complaint de le Demandant ou Plaintiff envers le Tenant ou Defendant, en que il suppose de aver receive tort. Et cest *Declaration* doit estre plain & certain, pur ceo que il impeach le Defendant, & auxy chascun celuy a responder. Mes nota, que tiel Declaration fait per le Demandant vers le Tenant en Action real est properment appel un *Count*.

Nota, Que le *Count* ou *Declaration* doit contene Demonstration, Declaration, & Conclusion. Et en *Demonstration* sont contenees troys choses, (cest adire) que se pleynte, envers que, & de quel chose. Et en le *Declaration* doit estre comprise, coment & en quel maner le cause del Action surdit enter les Parties, & quand, & quel jour, an, & lieu, & a que l'Action ferra done. Et en *Perseuse* il doit averre & proffer de prover son Suit, & monstre les Damages queux il susteine per le tort a luy fait.

chief Man of a Dozein, but for him, that is sworn to the King's Peace; and lastly, that now there are not any Dozeins, but Leets; and that ordinarily no Man gives other Security for keeping the King's Peace, but his own Oath, and therefore no one shall answer for the Transgression of another, but every one for himself.

Declaration.

Declaration is a Shewing in writing the Grief and Complaint of the Demandant or Plaintiff against the Tenant or Defendant, wherein he supposes to have received Wrong. And this Declaration ought to be plain and certain, both because it impeaches the Defendant, and also compels him to make Answer thereto. But note, that such Declaration made by the Demandant against the Tenant in an Action real is properly called a Count.

Note, That the Count or Declaration ought to contain Demonstration, Declaration, and Conclusion. And in Demonstration are contained three things, (that is) him who complains, against whom, and for what Matter. And in the Declaration there ought to be comprised, how and in what Manner the Action rose between the Parties, and when, and what Day, Year, and Place, and to whom the Action shall be given. And in the Conclusion he ought to aver and proffer to prove his Suit, and shew the Damages which he hath sustained by the Wrong done him.

De deoneranda pro rata portionis.

DE deoneranda, &c. is a Writ that lies where one is distrained for Rent, that ought to be paid by others proportionably with him. Fitz. Nat. Brev. fol. 234.

De deoneranda pro rata portionis.

DE deoneranda, &c. est un Brief que gist lou un est distrein pur Rent, que doit estre paye per auters proportionablement ove luy. Fitz. Nat. Brev. fol. 234.

Dedi.

Dedi is a Warrantie in Law to the Feoffee and his Heirs: As if it be said in a feoffment A. B. hath given and granted, &c. it is a Warrantie. Co. Litt. 384. a.

Dedi.

Dedi est un Garrantie en Ley al Feoffee & ses Heirs: Come si soit dit en un Feoffment, A. B. ad done & graunt, &c. ceo est un Garrantie. Co. Litt. 384. a.

Dedimus potestatem.

Dedimus potestatem is a Writ that lies where a Man sues in the King's Court, or is sued, and cannot well travel, then he shall have this Writ directed to some Justice, or other discreet Person in the Country, to give him Power to admit some Man for his attorney, or to levy a Fine, or to take his Confession, or his Answer, or other Examination, as the Matter requires.

Dedimus potestatem.

Dedimus potestatem est un Brief quel gist lou un home sua en le Court le Roy, ou est sue, & ne puit bien travailler. Donques il avera cest Brief direct a ascun Justice, ou auter discreet Person en le Pais, de doner a luy power pur admitte ascun pur son Attorney, ou de levie Fine, ou de prendre son Confession, ou son Respons, ou auter Examination, come le matter require.

Default.

Default is an Offence in omitting that which we ought to do; and most commonly taken for Non-appearance in Court at a Day assigned. Bract. lib. 5. tract. 3. and Fleta, lib. 6. cap. 14.

Default.

Default est un Offence en omitting ceo que doit estre fait; & plus communement pris pur Non-appearance en Court a jour assigne. Bract. lib. 5. tract. 3. & Fleta, lib. 6. cap. 14.

Defamation.

Defamation is when a Man speaks slanderous Words of any other Man, Court of Justice, Magistracy, or Ti-

Defamation.

Defamation est quand home parle scandalous parols de ascun auter home, Court de Justice, Magistracie, ou Ti-

Titre de Terre : pur quel le partie serra punie accordant al nature & qualite de son Offence ; ascun foits per Action sur le Case pur Slander, al Common Ley, & aut' foits en le Court Christian. Come si home contrive ascun faux Novels, & horribles & faux Messoinges de Prelates, Dukes, Counts, &c. donque un Action *De Scandalis Magnatum* gisera vers luy per le Statute de 2 R. 2. cap. 5. & ceo esteant prove, le partie offendant serra grievousment punie. Mes pur parols de *Defamation* vers un private home, la le partie grieve avera son Action sur le Case pur le Slander, & recouvrera en damages accordant al qualite del peche ; en que le qualite del person que est issint de fame est destre fort considere.

Mes pur *Defamations* determinable en le Court Christian, ils covient de aver trois incidents : Primerment, covient concerne matter meerment Spiritual, & determinable en le Ecclesiastical Court ; come pur appel' luy Heretique, Schismaticque, Advou-terer, Fornicator, &c. Se- condement, que il concerne matter meerment Spiritual solement : car si tiel *Defamation* concerne ascun chose determinable al Common Ley, le Ecclesiastical Judge navera conu- sans de ceo : Come si un Di- vine est destre present a un Be- nefice ; & un (a defeater luy de ceo) dit al Patron, que il est un Heretique, ou un Bastard, ou que il est Excommunge,

tle of Land : for whith the Party shall be punished ac- cording to the Nature and Quality of his Offence ; some- times by Action upon the Case for Slander, at the Common Law, and other Times in the Ecclesiastical Court. As if a Man contrive any false News, or horrible and false Lies of Prelates, Dukes, Earls, &c. then an Action *De Scandalis Magnatum* will lie against him by the Statute of 2 R. 2. cap. 5. and this being proved, the Party offending shall be grievously punished. But for Words of Defamation against a private Man, there the Party grieved shall have his Action upon the Case for the Slander, and shall recover in Damages according to the Qua- lity of the Fault : wherein the Quality of the Person who is so defamed is much to be consi- dered.

But for Defamations determi- nable in the Spiritual Court, they ought to have three Inci- dents : First it ought to con- cern matter meerly Spiritual, and determinable in the Ec- clesiastical Court ; as for call- ing him Heretick, Schisma- tick, Adulterer, Fornicator, &c. Secondly, that it concern mat- ter meerly Spiritual only : for if such Defamation concern any thing determinable at the Common Law, the Ecclesia- stical Judges shall not have Co- nulsance thereof : As if a Di- vine is to be presented to a Benefice, and one (to defeat him thereof) saith to the Patron, that he is an Heretick, or a Bastard, or that he is excom- municated,

municated, whereby the Patron refuses to present him, and he loses his Preferment; he shall have an Action upon the Case for the Defamations, tending to such an end. Also if a woman be bound that she shall live continent, or if a Lease be made to her as long as she shall live chaste; in these cases Incontinency shall be tryed by the Common Law. Thirdly although such Defamation be meerly and only Spiritual, yet he that is defamed cannot sue there for Amends or Damages, but the Suit ought to be only for Punishment of the fault, for the Soul's Health of him that so offends.

And as for the Slander of a Title to Land, if A. saith that B. hath Right in the Lands of C. whereby C. is damnified, then he may have an Action upon the Case for the Defamation of his Title, against A. And although B. hath a colourable Title, yet A. shall be punished, forasmuch as he hath taken upon him knowledge of the Law, and meddled in a matter which concerned him not. But if a Man saith, that he himself hath Right to the Land of another; in this case no Action for Defamation lies, although he knows his Title to be false. *Coke lib. 4. fol. 18.*

Defeasance.

Defeasance cometh of the French word *Deffayre*, or *Deffayr*, i. e. to undo what is done, and signifies a Condition relating to a Deed, as an Obligation, Recognisance, or Statute, which being performed by the Obligor, or

per que le Patron refuse a presenter luy, & il perde son Preferment; il avera Action sur le Case pur ceux *Defamations*, tendant a tiel fine. Auxy si feme soit obligee que el vivera continent, ou si Lease soit fait a luy *quamdiu casta vixerit*; en ceux cases Incontinencie serra trye pur le Common Ley. Tiercement, coment que tiel *Defamation* soit meerment & solement Spiritual, uncore cestuy que est defame ne poit suer la pur amends ou Damages, mes le Suit covient estre solement pur punishment del peche, *pro salute anima* cestuy que ilint offend.

Et quant al Slander de un Title al terre, si A. dit que E. ad droit en le Terres de C. per que C. est damnifie, donque il poit aver Action sur le Case, per le Defamation de son Title, vers A. Et nient obstant que B. ad un colourable Title, uncore A. serra punie, entant que il ad imprise sur luy notice del Ley, & intromit en un matter que ne luy pas concerna. Mes si home dir, que il mesme ad droit al Terre de un autre; en cest case nul Action per Defamation gist, nient obstant que il conust que son Title est faux. *Coke lib. 4. fol. 18.*

Defeasance.

Defeasance vient del *Fracois* parol *Deffayre* ou *Deffayr*, i. e. disfaire ceo que est fait, & signify, un Condition que relate a un Fait, come a un Obligation, Recognisance, ou Statute, que esteant perform pur le Obligor,

gor ou Recognisor, le Act est disable & fait void, si come sil ne unques pas ad este fait. Et la est nul Warranty, Recognisance, Rent-charge, Annuity, Covenant, Lease per ans, use al Common Ley, ou tiels semblables, mes que ils poyent per un Defeasance; fait ove le mutual consent de tous ceux que fueront parties a le creation de eux, per Fait estre adnul, discharge, & defeat. Et la difference perent' un Proviso ou Condition ou fait & un Defeasance est en ceo, Que le Proviso ou Condition est annexe ou enfert en le Fait ou Grant; ou un Defeasance est usualment un Fait per luy mesme conclude & agree perent' les parties, & ayant relation a un autre Fait.

Et pur ceo si le Condition de un Obligation soit repugnant al Fait, le Condition est void, & Obligation bone: Come si le Condition soit, que il ne suera Obligation, ceo est void, auxy bien come est de un Feoffment, sur Condition que le Feoffee ne prendra my les Profits. Mes un Defeasance est un Grant que est fait apres le Obligation, pur defeat' mesme le Obligation; & ceo est bone coment que il soit repugnant, & issint nient semble a un condition. 21. H. 7. fol. 24. b. Pur le forme & manner de Defeasances accordant al diversity del Case veies *West. part. 1. Symb. lib. 2. Sect. 230, 231, &c.*

Recognisor, the Act is disabled and made void, as if it had never been done. And there is no Warranty, Recognisance, Rent-charge, Annuity, Covenant, Lease for years, Use at Common Law, or such like, but that they may by a Defeasance, made with the mutual Consent of all those who were Parties to the Creation thereof, by Deed be annulled, discharged, and defeated. And the difference between a Proviso or Condition in Deed and a Defeasance is in this, That the Proviso or Condition is annexed or inserted in the Deed or Grant; whereas a Defeasance is usually a Deed by it self concluded and agreed on between the Parties, and having relation to another Deed.

And therefore if the Condition of an Obligation be repugnant to the Deed, the Condition is void, and the Obligation good: As if the Condition be, that he shall not sue the Obligation, this is void, as well as it is of a Feoffment, upon Condition that the Feoffee shall not take the Profits. But a Defeasance is a Grant that is made after the Obligation, to defeat the same Obligation; and this is good though it be repugnant, and so not like a Condition. 21 Hen. 7. fol. 24. b. For the form and manner of Defeasances according to the diversity of the Case, see *West. part. 1. Symb. lib. 2. Sect. 230, 231, &c.*

Defence.

Defence is that which the Defendant ought to make immediately after the Count or Declaration made, that is to say, that he Defends all the Wrong, Force and Damages, where and when he ought; and then to proceed farther to his Plea, or to imparl.

And note, That by defending the Force and Wrong he doth excuse himself of the Wrong against him surmised, and makes himself Party to the Plea; and by defending the Damage, he affirms the Plaintiff able to be answered unto.

And for the residue of the Defence, he accepts the power of the Court to hear and determine their Pleas of this matter. For if he will plead to the Jurisdiction, he ought to omit in his Defence these words, (ou & quant il de vera:) and if he will shew any Disability in the Plaintiff, and demand Judgment if the Party shall be answered unto; then he ought to omit the Defence of the Damage.

Defendant.

Defendant is he that is sued in Action personal, who is called Tenant in an Action real.

Defendemus.

Defendemus is an ordinary word in a Feoffment or Donation, and hath this force, that it binds the Donor and his Heirs to defend the Donee; if any man go about to lay any Servitude upon the thing given,

Defence.

Defence est ceo que le Defendant doit faire immediament apres le Count ou Declaration fait, cest adire, que il defendra tout le Tort, Force & Dammage; ou & quant il de vera; & donques de proceed ouster a son Plee, ou de imparler.

Et nota; que entant que il defend Tort & Force, il le excuse del Tort vers luy surmise, & fait se party al Plee; & per tant que il defend les Damages, il affirme le Plaintiff able destre respondre.

Et pur le residue del Defence, il accept le power del Court de oyer & determiner les Plees de cel matter. Car sil voil pleader al Jurisdiction, il doit omitter en son Defence les parols (ou & quant il de vera) & sil voil monstre ascun disability en le Plaintiff, & demand Judgment si le partie serra respondue; donque il doit omitter le Defence del Damage.

Defendant.

Defendant est celui que est sue en Action personnel que est appel Tenant en un Action real.

Defendemus.

Defendemus est un usual parol en un Feoffment ou Donation, & ad cest force, que il lia le Donor & ses Heires a defender le Donee, si ascun home endeavour de imposer ascun Servitude sur le chose

chose done, auter que est
contein en le Donation.
Bract. lib. 2. cap. 16. nu. 10.
Veies auxy *Warrantizabi-*
mus.

other than is contained in
the Donation. *Bracton. lib. 2.*
cap. 16. num. 10. See also
Warrantizabimus.

Defensor Fidei

Defendeur de la Foy est un
peculiar Title done a
Roy de *Angleterre* par le
Pape, come *Catholicus* a Roy
de *Espaigne*, & *Christianissi-*
mus a Roy de *France* Il fuit
primerment done per *Leo x.*
a Roy *H. 8.* pur escrivant vers
Mart. Luther, en part del
Eglise de *Rome*. *Stow's An-*
nals, pag. 863.

Deforsour

Deforsour est celuy que pre-
vail & ject hors ove
Force; que differt de un Dis-
seisor, primerment en ceo,
que home poit disseise un aut'
sans Force, quel a est appel-
Simple Disseisin, *Brit. cap. 33.*
Donque pur ceo que home po-
it deforce un auter que ne un-
ques fuit en possession; come
si plusors ont droit al Ter-
res come common Heirs, &
un tient eux hors, le Ley
dit, que il eux deforce, nient
obstant que il ne eux disseisa
pas. *Veiel N B. fol. 118.* Si
Tenant en taile fait Feoffment
en fee, per que le Feoffee est
eins, & puis le Tenant en
taile morust, & son issue suist
Brief de *Formedon* envers le Fe-
offee; le Brief dira, & auxy
le Count, &c. que le Feoffee
a tort luy deforce, &c. coment
que il ne luy disseisa, pur ceo
que il ent' en le vie le Te-
nant en tail, & le Heire ad-
nul present droit. *Litt. fol.*
138 Et un *Deforsor* differt de
un Intrudor, pur ceo que un

Defender of the Faith.

Defender of the Faith is a pe-
culiar Title given to the
King of England by the Pope,
as *Catholicus* to the King of
Spain, and *Christianissimus* to
the French King. It was first
given by *Leo. x.* to King *Hen.*
8. for writing against *Martin*
Luthet, in behalf of the Church
of *Rome*. *Stow's Annals* pag.
863.

Deforceor.

Deforceor is he that ober-
comes and casts out with
Force; who differs from a
Disseisor, first in this, that a
man may disseise another with-
out Force, which Act is called
Simple Disseisin, *Britton cap. 33.*
Then because a man may De-
force another that never was
in possession; as if many have
right to Lands as common
Heirs, and one keeps them
out, the Law saith, that he de-
forces them, though he never
disseised them. *Old Nat. Brev.*
fol. 118. If Tenant in tail
makes a Feoffment in fee by
which the Feoffee is in, and af-
terward the Tenant in tail
dies, and his issue sues a Writ
of *Formedon* against the Feo-
fee; the Writ shall say, and
also the Count, &c. that the
Feoffee wrongfully deforced
him, &c. though he did not dis-
seise him, because he entered in
the Lie of the Tenant in tail,
and the Heir had no present
Right. *I. ic. fol. 138.* And a
Deforceor differs from an In-
trudor.

trudor, because a Deforceor keeps out the right Heir, as aforesaid; and a man is made an Intrudor by a wrongful Entry only in Lands or Tenements void of a Possessor. *Bract. l. 4. c. 1.*

And because Force and Forcible Entry into Lands is so opposite to the Peace and Justice of the Realm, and a Dishonour of the King and his Crown, and Discredit of the Law, that any person by Birth and Oath obliged to the Obedience of the King and his Laws, should presume of his own authority by Force and strong hand to resist them both, by violent Intrusion into the Possession of another, before the Law hath decided his Title therein; therefore divers Statutes have been made for the Restraint and Reformation of these Abuses; as, among others, the Statute of 5 R. 2. cap. 7. where the King defends any Entry into Lands or Tenements, but in case where Entry is given by the Law, and then not with strong hand, or with a Multitude of People, but only in a peaceable manner. See more of this in Poulton de pace Reg. fol. 34, 35, &c.

Degrading.

Degrading. See Disgrading.

Delegates,

ARE Commissioners appointed by Letters Patents to determine Appeals upon things testamentary or matrimonial, in which Sentence was given. See 4 Inst. fol. 339. 8 Eliz. cap. 5.

Deforfor tient hors le droit Heire, come avantdit: & home est fait un Intrudor, pur son tortius Entrie seulement en terres ou Tenements voide de un Possessor. *Bract. lib. 4. cap. 1.*

Et pur ceo que Force & Forcible entrie en Terres est cy opposite al Peace & Justice del Royalme, & un dishonour del Roy & son Corone, & le scandal de Ley, que aucun person per nestre & serement oblige al obedience del Roy & ses Leyes, presumera de son autoritie per Force & fort maine de resister eux ambideux, per violent Intrusion en le Possession de un autre devant le Ley ad decide son Title en ceo; pur ceo divers Statutes ont este faits per le restraint & reformation de ceux Abuses; come, ent' autres, le Stat. de 5 R. 2. cap. 7. ou le Roy defend aucun Entrie en Terres ou Tenements; mes en case ou Entrie est done per le Ley, & donque nemy ove fort maine, ou ove multitude de gents, mes seulement en un peaceable manner. Veies plus de ceo in Poul. de pac. Reg. f. 34, 35, &c.

Degrading.

Degrading. Veies Disgrading.

Delegates,

SOnt Comissioners appoint per Letters Pat' a determiner Appeal sur choses testamentary ou matrimonial, en que sentence fuit rendue. Veies Co. 4 Inst. fol. 339. 8 Eliz. cap. 5.

Demaines.

Demaines ou Demesnes, generally speaking, sont tous les parts de aucun Manor quel ne sont en mains del Freeholders, coment soyent occupie per Tenants per Copie de Court Roll, Lessees pur ans ou pur vie, cybien come Tenants a volunt. Et le reason que Copihold est account Demesnes est, pur ceo que ils que sont Tenants a ceo sont adjudge en Ley daver nul auter Estate forsque al volunt del Seign', issint que il est jammes repute destre en un manner en les maines le Seign': uncore en common parlance il est usualment appel *Demesnes* que nest ou free ou copie. Et cest parol *Demesne* est aucun foits use en un plus special signification, & est opposite al Frank-fee; sicome ceux Terres queux fueront en l'possession de Ed. le Confessor sont appel *Ancient demesne*, & tous auters sont appel *Frank-fee*, *Kitch. fol. 98.* & le Tenants que tient asc' de ceux Terres sont appel *Tenants en Ancient Demesne*, les auters Tenants en Frank-fee. Et nul common person ad asc' Demesnes en le simple prisans del parol, pur ceo que la nest asc' Terre mes depend mediatement ou immediatement del Corone, ceo est, de asc' Honor on auter appartient al Corone; & nemy grant en fee al aucun inferior person; & pur ceo quand un home en ple-dant voile enferre son Terre destre son Demesne, il dit, que il est ou fuit seise de ceo en son Demesne come de Fee, *Little. fol. 5.* per que appiert, que nient obstant son Terre soit a luy

Cemaines.

Demaines or Demesnes, generally speaking, are all the Parts of any Manor which are not in the Hands of Freeholders, though they be held by Copy-holders, Lessees for Years or for Life, as well as Tenants at Will. And the Reason why Copyhold is accounted Demesnes is, because they who are Tenants to it are adjudged in Law to have no other Estate but at the Will of the Lord, so that it is still reputed to be in a Manner in the Lord's Hands: Yet in common Speech that is ordinarily called Demesnes which is neither free nor copy. And this Word Demesne is sometimes used in a more special Signification, and is opposite to Frank-fee; as those Lands which were in the Possession of Edward the Confessor, are called Ancient demesne, and all others are called Frank-fee, *Kitch. fol. 98.* and the Tenants which hold any of those Lands are called Tenants in ancient demesne, the other Tenants in Frank-fee. And no common Person hath any Demesnes in the simple Acceptation of the Word, because there is no Land but depends mediately or immediately of the Crown, that is, of some Honour or other belonging to the Crown, and not granted in Fee to any inferior Person; and therefore when a Man in pleading will signifie his Land to be his own, he saith, That he is or was seised thereof in his Demesne as of Fee, *Litt. fol. 3.* whereby it appears, that though his Land be to him and his Heirs for ever,

ber, yet it is not true Demefne, but depending upon a superiour Lord, and holding by Service, or Rent in lieu of Service, or by Service and Rent together. *Kitch. 81.*

Demaines, according to the Common Speech, are only understood the Lord's chief Manor-place, which he and his Ancestors have Time out of Mind kept in their own Hands, with all Buildings and Houses, Meadows, Pastures, Woods, arable Lands, and such like therewith occupied.

Demand.

Demand is a Word of Art, and if one release to another all Demands, this is, (as Littleton fol. 117. a. saith) the best Release to him to whom the Release is made that he can have, and shall most enure to his Advantage; for by it not only all Demands, but also all Causes of Demands are released. And there are two manner of Demands, that is, in Deed, and in Law. In Deed, as in every Præcipe there is expresse Demand; and therefore in real Actions he is called Demandant, in personal Plaintiff. In Law, as every Entry in Land, Distress for Rent, Taking or Seizure of Goods, and such like Acts in the Country, which may be done without any Words or Demands in Law. As a Release of Suits is more large than a Release of Quarrels or of Actions; so a Release of Demands is more large and beneficial than either of them, for by it is re-

& ses Heirs a tous jours, uncore il nest voyer Demefne, mes dependant sur un Seigneur paramount, & tiendrant a Service, ou Rent en lieu de Service, ou per Service & Rent ensemble. *Kitch. 81.*

Demaines, solonque le commun parlance, sont seulement entend le principal Manor-place del Seigneur, que il & ses Ancestors ont ewe de temps hors de memorie en leur maines demefne, ove tous edifices & measons pres, pastures. boys, terres eyrable, & riels semblables ove ceo occupie.

Demand.

Demand est vocabulum Artis, & si un release a un autre tous Demands, ceo est (si come *Litt. fol. 117. a. dit*) le plus melior Release a luy a que le Release est fait que il poit aver, & plus enurera a son advantage; car per ceo non seulement tous Demands, mes aux' tous causes de Demands sont release. Et sont deux maners de Demands, cestascavoir, en Fait, & en Ley. *En Fait*, come en chescun *Præcipe* la est expresse Demand; & pur ceo en real Action il est appel Demandant, en personal Plaintiff. *En Ley*, come chescun Entry en Terre, Distresse pur Rent, Prisal ou seizure des biens, & semblable acts en Pays; que poient estre fait sans aucun parols ou demands en Ley. Sicome Release de Suits est plus large que Release des Querelles ou de Actions; issint Release de Demands est plus large & beneficial que aucun de eux, car per ceo est

release tout ceo que per les autres est release, & plus. Per Release de tous Demands, tous Franknements & Enheritances Executorie sont release: Per Release de tous Demands al Disseisor, le droit de Entrie en le terre, & tout que est contene deins ceo est release: Per Release de tous Demands, tous Executions sont release: Et cestuy que release tous Demands, exclude luy mesme de tous Actions. Entries, & Seisures.

Littleton. fol. 170. teigne. Que si Tenant en Taile enfeoffe son Uncle, l'quel enfeoffe un aut' en Fee ove Garrantie; si apres le Feoffee per son Fait releffa a son Uncle tous manners de Demands, per tiel Release le Garrantie, que est Covenant real & Executorie, est extinct: Et le reason est, pur ceo que per Release des Demands tous les meanes & remedies, & les Causes de eux, que ascun ad al Terres, Tenements, biens, Chattels, &c. sont extinct, & per consequence, le droit & interest mesme al chose. Uncore Releas de tous Demands ne extend a tiels Briefs per queux riens est demand, neque en Fait neque en Ley, mes gisont solement a relievier le Plaintiff per voy de Discharge, & nemy per voy de Demand; come Releas de tout Demands nest Barre in Brief de Error de reverter un Utlagarie, & issint des semblables. *Veies 18 Ed. 3. 59. Coke lib. 8. fol. 153, 154.*

leased all that which by the others is released, and more. By Release of all Demands, all Freeholds and Inheritances executory are released: By Release of all Demands to the Disseisor, the Right of the Entry in the Land, and all that is contained therein, is released: By Release of all Demands, all Executions are released; and he that releases all Demands excludes himself from all Actions, Entries, and Seisures.

Littleton. fol. 170. holds. That if Tenant in Tail enfeoffs his Uncle, who enfeoffs another in Fee with Warranty, if after the Feoffee by his Deed releases to the Uncle all manner of Demands, by such Release the Warranty, which is a Covenant real and executory, is extinct: And the Reason is, because that by Release of Demands all the Means and Remedies, and their Causes, which any hath to Lands, Tenements, Goods, Chattels, &c. are extinct, and by Consequence, the Right and Interest it self unto the thing. Yet a Release of all Demands doth not extend to such Writs by which nothing is demanded, neither in Deed nor in Law, but lie only to relieve the Plaintiff by way of Discharge, and not by way of Demand; as a Release of all Demands is no Bar in a Writ of Error to reverse an Outlawry, and so of such like. *See 18 Edw. 3. 59. Coke lib. 8. fol. 153, 154.*

Demandant.

Demandant is he that sues or complains in an Action real for Title of Land; and he is called Plaintiff in an Assise, and in an Action personal, for Debt, Trespass, Deceit, Detinue, and such like.

Demise.

Demise, *Dimissio*, is applied to an Estate in Fee-simple free-tail, or for Life, and it is so commonly taken in many writs. Co. 2 Inst. fol. 83. The Death of the King is in Law called the Demise of the King.

Demurrage.

Is called the Time when a Ship lies idle in a Port or Harbour, or on the Sea in a Calm.

Demurrer.

Demurrer is when any Action is brought, and the Defendant pleads a Plea, to which the Plaintiff says that he will not answer, for that it is not a sufficient Plea in the Law; and the Defendant avers the contrary, that it is a sufficient Plea; and thereupon both Parties submit the Cause to the Judgment of the Court: Which is called a Demurrer, for that they go not forward in pleading, but rest upon Judgment in that Point; and is called in Latin *Records*, *Moratur in Lege*.

For in every Action the Difference consists either in Deed or in Law. If in Fact, it is tried by the Jury; If in Law, then the Matter is either

Demandant.

Demandant est celuy que sue ou compleine en Action real pur Title de terre; & il est appel *Plaintiff* en un Assise, & en un Action personal, pur Debt, Transgr', Disceit, Detinue, & tiels semblables.

Demise.

Demise, *Dimissio*, est apply al un Estate en Fee-simple, Fee-tail, ou pur vie; & il est communement prise en plusieurs Briefs. Co. 2 Inst. fol. 83. Le mort le Roy est en ley appel le Demise del Roy.

Demurrage.

EST dit le temps que un Neist gist idle en un Port ou Harbour, ou sur le mere en un calm.

Demurrer.

Demurrer est, quand aucun Action est port, & le Defendant plead un Plee, a que le Plaintiff dit que ne voile respond, pur ceo que il n'est sufficient Plee en Ley; & le Defendant avers le contraire, que il est sufficient Plee; & sur ceo ambideux mitteront le Cause al Judgment del Court: Que est appel un Demurrer, pur ceo que ils ne vont ouster en Pleading, mes Demurrer sur Judgment de cel point; & dicitur en Latine Records, *Moratur in Lege*.

Car en chescun Action le difference consist ou en Fait, ou en Ley. Si en Fait, il est trié per le Pais: Si en Ley, donque le matter est ou facile,

cile, ou dure & rare: Si il soit facile, dunque Judgment est immediatement done; mes, quand il est dure & en awrust, dunque la est Demurrer fait, & temps prise ou de consider ouster sur ceo per les Judges, de agreer si ils poyent, ou autrement per tous le Justices de vener ensemble en le Exchequer-Chamber, & sur oyer de ceo que les Serjeants dieront de ambideux parts, de adviser & determiner que est Ley: & ceo que est la conclude per eux estoyera firme, sans auter remedie.

Est auxy un Demurrer al Evidence done a un Jury sur Tryal dun issue. *Plew. Com. 2. 3 Rast. Entr. 607.*

Demy sanke, ou Sangue.

Demy sanke est, quand un home marie un feme, & ad issue per luy un fitz ou file, & le feme morust, & donques il prist un au' feme, & ad per luy auxy un fitz ou file: Ore ceux fitz sont solonque un manner Freres, ou, come ils sont appells Demy-freres, ou Freres del demy sanke, cest adire, Freres per le part de Pere, pur ceo que ils ont ambideux un pere, & son ambideux de son sangue, & nemy Freres per le part le Mere, ne de ascun sanke ou kinne cest voy; & pur ceo le un de eux ne poit estre Heire al auter: car il que voile claime come Heire al un per descent, doit estre de entiere sanke a luy de que il claime. En mesme le manner est, si feme ayt divers issues per

plain or difficult and rare. If it be plain, then Judgment is presently given: But when it is hard and doubtful, then is Stay made and Time taken either to consider farther thereupon by the Judges, to agree if they can, or otherwise for all the Justices to meet together in the Exchequer-Chamber, and, upon hearing of that which the Serjeants shall say unto both Parts, to advise and determine what is Law; and that which is there concluded by them shall stand firm, without further remedy.

There is also a Demurrer to Evidence given to a Jury upon Trial of an Issue. *Plo. Com. 2. 3 Rast. Entr. 607.*

Half-blood.

Half-blood is, when a Man marries a Wife, and hath Issue by her a Son or a Daughter, and the wife dies, and then he takes another Woman, and hath by her also a Son or Daughter: Now these two Sons are after a sort Brothers, or as they are termed Half-Brothers, or Brothers of the Half-blood, that is, Brothers by the Father's Side, because they had both one Father, and are both of his Blood, and not Brothers at all by the Mother's Side, nor of Blood nor Kin that way; and therefore the one of them cannot be Heir to the other: For he that will claim as Heir to one by Descent, must be of the whole Blood to him from whom he claims. In the same Banner it is, if a Woman hath divers Issues by

divers Husbands, who are call-
ed Brothers by one Mother.

divers barons, qui *Fratres*
Uterini dicuntur.

Denariata terræ.

Denariata Terræ. See Farding-
deal.

Denariata terræ.

Denariata terræ. Veies Far-
dingdeal.

Denelage.

Denelage is the Law that the
Danes made here in Eng-
land, out of which and Mer-
chenlage and Westsaxonlage, Wil-
liam the Conqueror composed
certain Ordinances to be obser-
ved by his Subjects.

Denelage.

Denelage est le Ley que les
Danes fesoient icy en
Engleterre, hors de que & Mer-
chenlage & Westsaxonlage Gu-
lielme le Conqueror com-
pose certain Ordinances de-
stre observe per ses subjects.

Denizen.

Denizen, or *Donaison*, is,
where an Alien born be-
comes the King's Subjects,
and obtains the King's Let-
ters Patents to enjoy all
Privileges as an Englishman:
But if one be made *Denizen*,
he shall pay Customs and
divers other things as an
Alien, as it appears by divers
Statutes thereof made.

Denizen.

Denizen, ou *Donaison*, est,
lou Alien nee devient le
Subject le Roy, & obtain les
Letters Patents le Roy pur
injoyer tous Privileges co-
me un home Anglois: Mes
si un soit fait *Denizen*, il
payera Customs & divers au-
ters choses come Alien, co-
me appiert per divers Sta-
tutes de ceo fait.

It seems that *Donaison* is
the true Name, so called, be-
cause that his Legitimation
is given to him, and not *De-
nizen*, as derived from *Deins*
nee. And the Law is so pre-
cise in the making of *Denizens*,
that the King cannot grant
Power to any other to make
Aliens born *Denizens*, it is
by the Law so inseparably and
individually annexed to his
Royal Person; for the Law
esteems it a high Prerogative,
to make Aliens Subjects of
the Realm, and capable of
Lands and Inheritances, as
natural born Subjects are.

Il semhle que *Donaisn* est
le voyer nomme, issint appel,
pur ceo que son Legitima-
tion est *don* a luy; & nemy
Denizen, come derive de
Deins nee. Et le Ley est cy
precise en le Feasans de *Do-
naisons*, que le Roy ne poit
grant al ascun autre a faire
de Aliens nee *Donaisons*, il
est per la Ley cy insepara-
blement & individualment
annex a son Royal Person;
car le Ley esteem cest un hault
Prerogative, a faire Aliens
Subjects del Royalme, & ca-
pable de Terres & Inheri-
tances, come natural Sub-
jects nee sont.

And therefore the Statute
of 27 Hen. 8. cap. 24. which
reunites many of the most an-

Et pur ceo le Stat. de 27
H. 8 cap. 24. que reunite
plusors del plus ancient
Pre-

Prerogatives & Regal Flow-
 rers del Corone, ne pas men-
 tion aucun authority de
 faire Letters de Donaifia-
 tion deſtre reſume, pur ceo
 que aucun ne unque ceo
 claime pas per aucun pretext
 quecunque, il eſteant cy hault
 point de Prerogative. Veies
Co. lib. 7. Calvin's Caſe.

Prerogatives and Regal
 Flowers of the Crown, makes
 no mention of any Authority
 to make Letters of Denization
 to be reſumed, for that none
 ever claimed it by any Pretext
 whatſoever, it being ſo high a
 Point of Prerogative. See
Coke lib. 7. Calvin's Caſe.

Deodand.

Deodand eſt, quand aucun
 home per miſfortune eſt
 occide per un Chival, Char-
 ret, ou autre choſe moveant
 ou aydant al ſon mort; cel
 choſe que eſt le cauſe de ſon
 mort, & que al temps de la
 miſfortune mova, ſerra for-
 ſeit al Roy, & ceo eſt ap-
 pel *Deodand*; & ceo per-
 taine al Almon' le Roy, pur
 diſpoſer en Almes & ovres
 de charitie.

Mes il neſt forſeit tanque
 le choſe ſoit trove de Record,
 & pur ceo ils ne poyent eſte
 claime per Preſcription &
 le Jurie que trove ou preſent
 le mort per tiel miſadven-
 ture, doivent auxy trover &
 appriſe le *Deodand*. *Co. lib. 5.
 fol. 110.*

Si un Chival percuſt un
 home, & puis le Owner vend
 le Chival, & donque le partie
 que fuit percuſſe moruſt del
 ſtroke; en ceo caſe le Chi-
 val ſerra forſeit come *Deo-
 dand*, nient obſtant le vendi-
 tion, car relation ſerra al
 ſtroke que fuit paravant le
 vendition. *Plow. Com. fol. 260.
 b. Co. 5. fol. 110.*

*Omnia que movent ad mor-
 tem ſunt Deodanda.*

Deodand.

Deodand is, when any Man
 by Miſfortune is ſlain by a
 Horſe, Cart, or any other thing
 that moves to further his Death,
 ſuch thing which at the Time
 of his Miſfortune did move
 or cauſe his Death ſhall be for-
 ſeit to the King, and that is
 called *Deodand*; and that per-
 tains to the King's Almoner,
 for to diſpoſe in Alms and
 Deeds of Charity.

But it is not forfeited until
 the Matter be found of Record,
 and therefore they cannot be
 claimed by Preſcription: And
 the Jury that finds or preſents
 the Death by ſuch Miſadven-
 ture, ought alſo to find and
 appraiſe the *Deodand*. *Co. lib. 5.
 fol. 110.*

If a Horſe ſtrikes one, and
 afterwards the Owner ſells the
 Horſe, and then the Party that
 was ſtricken dies of the Stroke;
 in this Caſe the Horſe ſhall be
 forfeited as a *Deodand*, not-
 withſtanding the Sale; for Re-
 lation ſhall be had to the Stroke
 which was before the Sale.
*Plowd. Com. 260. b. Co. 5. fol.
 110.* (dead,

What move to Death, or kill the
 Are *Deodands* and forfeited.

Departure from a Plea
or matter.

DEparture from a Plea or matter is, where a Man pleads a Plea in Bar, and the Plaintiff replies thereto, and he after in his Rejoinder pleads or shews another Matter, contrary, or not pursuing to his first Plea; that is called a Departure from his Bar. As if a Man pleads a general Agreement in Bar, and in the Rejoinder he alledges an especial Agreement; this shall be adjudged a Departure in Pleading. So in Trespass, if the Defendant will plead a Descent to him, and the Plaintiff saith, that after this the Defendant enfeoffed him, and the Defendant saith, That this Feoffment was upon Condition, for the Breach whereof he entred, this is a Departure from the Bar, for it is a new Matter. See Plow. Com. fol. 7 & 8.

Departure in despite of
the Court.

DEparture in despite of the Court is, when the Tenant or Defendant appears to an Action, and hath a Day in the same Term, or is called after, though he had no Day given him, so that it be in the same Term, if he do not appear, but make Default, it is a Departure in despite of the Court, and therefore he shall be condemned.

And it is to be observed, that Departure in Despite of the Court is always on the Part of the Tenant or Defendant,

Departure de son Plee
ou matter.

DEparture de son Plee ou matter est lou ou home plede un Plee en barre, & le Plaintiff reply a ceo, & il apres en son Rejoynder plede ou monstre auter matter, contraire, ou nient pursuant a son primer Plee en barre; ceo est appel un Departure de son Barre. Come si home plead un general Agreement en barre, & en le Rejoynder il alledge un especial Agreement; ceo sera adjudge un Departure en Pleading. Illint en Trespass, si le Defendant voit pleader descent a luy, & le Plaintiff dir, que puis ceo le Defendant infeoffe luy, & le Defendant dit, que ceo Feoffment suit sur Condition, pur le enfriend' de que il enter, ceo est Departure del Barre, car est novel chose. Veies Plow. Com. fol. 7 & 8.

Departure en spite del
Court

DEparture en spite del Court est, quand le Tenant ou Defendant appeare al Action, & ad jour ouster en mesme le Terme, ou est demand apres, coment nul jour soit en mesme le Terme, sil ne appeare, mes fait Default, cest un Departure en despite del Court, & pur ceo il sera condemne.

Et est destre observe, que Departure en despite del Court est tous foirs del part del Tenant ou Defendant, & le

le Entry de ceo est. *Quod prædictus A. licet solenniter exactus, non revenit, sed in contemptum Curie recessit, & Defaltam fecit: Et ceo est* quand en Judgment del Ley il est present en Court, & esleant demand, depart en despiight del Court; ceo amount a un Barre en respect del Despiight & Contempt al Court. Veies Co. lib. 8. fol. 62.

Deposition.

Deposition, *Depositio*, est le Testimonie de un Tesmoign amesne en escrit per voy de response al Interrogatories exhibit en le Chancery, loutiel Tesmoign est appel un Deponent.

Deprivation.

Deprivation est, quand un Abbe, Eveque, Parson, Vicar, Prebend, &c. est deprime ou depose de son Preferment pur ascun chose en Fait ou en Ley. Come si un Miscreant ou Schismaticque soit present, admit, & induet, la est bone cause de Deprivation: Ilint si mere Laicus soit present, admit, institute, & induet, uncore il serra deprime: Ou si l'Incumbent ad Plurality des Benefices; ou ne subscribe a les Articles de Religion, solongue le Statute de 13. Eliz. cap. 12.

Per le Statute de 21 H. 8. cap. 12. est enact, Que si ascun person, ayont un benefice ove *Cura animarum* del annuel value de huiet livers ou ouster, accepta ou prendra ascun autre Cure des ames, & soit institute & induet en le pos-

and the Entry thereof is; *Quod prædictus A. licet solenniter exactus, non revenit, sed in contemptum Curie recessit, & Defaltam fecit: and this is* when in Judgment of the Law he is present in Court, and being demanded, departs in despiight of the Court; this amounts to a Bar in respect of the Despiight and Contempt of the Court. See Coke lib. 8. fol. 62.

Deposition.

Deposition, *Depositio*, is the Testimony of a Witness taken in Writing by way of Answer to Interrogatories exhibited in Chancery, where such Witness is called a Deponent.

Deprivation.

Deprivation is, when an Abbot, Bishop, Parson, Vicar, Prebend, &c. is deprived or deposed from his Preferment for any Matter in Fact or in Law. As if a Miscreant or Schismatick be presented, admitted, and inducted, there is good Cause of Deprivation: So if a meer Lay-man be presented, admitted, instituted, and inducted, yet he shall be deprived: Or if the Incumbent hath Plurality of Benefices; or subscribe not to the Articles of Religion, according to the Statute of 13. Eliz. cap. 12.

By the Statute of 21 H. 8. cap. 12. it is enacted, That if any Person, having a Benefice with Cure of Souls of the yearly Value of eight Pounds, or more, accepts or takes any other with Cure of Souls, and be instituted and inducted into the Possession thereof;

thereof; the first Benefice shall be void, and the Incumbent in this Case is outed or deprived by Cession. In which Case the Bishop needs not give Notice to the Patron, because the Deprivation is by Act of Parliament, to which every one is Party, and ought to take Notice at his Peril. But otherwise it is if the first Church be not of the yearly Value of eight Pounds, for then it is void merely by the Ecclesiastical Law. See Co. lib. 4. fol. 76. lib. 7. 43. b.

Deputy.

DEputy is he that exercises in another Man's Right either Office or any other thing; and his Forfeiture or Misdoemeanor shall cause the Officer, or him whose Deputy he is, to lose his Office. But a Man cannot make his Deputy in all Cases, except the Grant so be: As if it be with these or such like Words, To exercise or use by himself or his sufficient Deputy; or if the Words go farther, To himself or his Deputy, or the Deputy of his Deputy, then he may make a Deputy, and his Deputy also may make a Deputy, or else not. As if the Office of a Parkership be granted to one, he cannot grant this over to another, because it is an Office of Trust and Confidence, and shall not be forfeited. And there is great Diversity between Deputy and Assignee of an Office: For an Assignee is a Person that hath an Estate or Interest in the Office it self, and doth all things in his own Name, for whom his Grantor shall not answer,

cession de ceo; le prime Benefice serra void, & le Incumbent en ceo case est ouste ou deprive per Cession. En quel case ne besoigne al Eveſque a doner notice al Patron, pur ceo que le Deprivation est per Act de Parliament, a que chescun est partie. & doit prendre notice a son peril. Mes autrement est si le primer Eglise ne soit de annuel value de huit livers, car donque ceo est voidement mere-ment per le Ecclesiastical Ley. Veies Cok. lib. 4 fol. 76 & lib. 7. 47. b.

Deputie.

DEputie est celuy que exerce en aut' droit, soit ceo office ou ascun aut' chose: Et son forfeiture ou misde- meanour causera l'Officer, ou celuy quel Deputie il est, de perdre son Office. Mes un ne poit faire son Deputie en tous cases, nisi le Grant soit issint: Sicome sil soit ové ceux ou tiels semblables parolx, *Exercendo per se, vel sufficientem Deputatum suum*; ou si les parolx va ouster, *Per se, vel Deputatum suum, aut Deputat. Deputati*; donques il poit faire un Deputie, & son Deputie auxy poit faire un Deput', autrement nemy. Come si le Office de Parkership soit grant a un, il ne poit grant ceo ouster a un auter, pur ceo que est Office de trust & confidence, & ne serra forfeit. Et la est grand diversité inter Deputie & Assignee de un Office: car un Assignee est person que ad estate ou interest en le Office mesme, & fait tous choses en son nosme demesme, pur que son Grantor ne

ne respondera, si non que soit en especial cases; & un *Deputie* n'ad aucun Estate ou interest en le Office, mes est forsque le umbre del Officer, & fait tous choses en le nosme del Officer mesme, & rien en son nosme de mesme, & pur que son Grantor respondera: Et quand un Officer ad power a faire Assignes, il poit impliceite faire Deputies, cat, *Cui licet quod majus est, non debet quod minus est non licere*; & pur ceo quand Office est grant a un & a ses Heires, per ceo il poit faire Assignes, & per consequence il poit faire Deputies.

Le Roy per ses Letters Patents commit al Viscount *Custodiam Comitatus*, sans expresse parols de faire Deputie; & uncore il poit faire un South-Viscount, cestascavoir, son Deputie. Ilint quand devant le Statute de *Quia emptores terrarum*, le Roy ou auter Seignior ad done Terres a un Chivaler, a tener de luy per Service de Chivalrie, cest adire, de aler ove son Seignior (quand le Roy fait Voyage Royal a subduer ses Enemies) pur 40 jours, bien & convenablement array pur le Guerre; ore il pbit trover auter able Person; uncore en l'un case il concerna le publique Administration & execution del Justice en temps de Peace; & en l'aut' le publique Defence del Royaulme en temps de Guerre. Veies Coke, lib 9. Le Countee de Salop's Case.

unless it be in especial Cases; and a Deputy hath not any Estate or Interest in the Office, but is only the Shadow of the Officer; and doth all things in the Name of the Officer himself, and nothing in his own Name, and for which his Grantor shall answer: And where an Officer hath Power to make Assigns, he may implicitly make Deputies; for, He that may do more, it ought not to be held unlawful for him to do less; and therefore when an Office is granted to one and to his Heirs, by this he may make Assigns, and by Consequence he may make Deputies.

The King by his Letters Patents commits to the Sheriff the Custody of the County, without express Words of making a Deputy; and yet he may make an Under-Sheriff, viz. his Deputy. So where before the Statute of *Quia emptores terrarum*, the King, or other Lord, had given Lands to a Knight, to hold of him by Knight's Service, that is, to go with his Lord (when the King makes a Voyage Royal to subdue his Enemies) for 40 Days, well and conveniently arrayed for the War; yet he may find another able Person: Nowbeit, in the one Case it concerns the publick Administration and Execution of Justice in Time of Peace; and in the other, the publick Defence of the Realm in Time of War. See Coke, lib. 9. Le Countee de Salop's Case.

De quibus sur disseisin.

THIS is a Writ of Entry. See Fitz. Nat. Brev. fol. 191.

Dereine.

DEreine is taken in divers Senses, and seems to come from the French Disarrayer, that is, to confound or put out of Order; or else the Norman Word Desrene, which is the Denial of a Man's own Act; and Lex Deraisnia was the Proof of a Thing which one denies to be done by himself, and his Adversary affirms it, defeating and confounding the Assertion of his Adversary, and shewing it to be without and against Reason or Probability. And in our Law it is diversly used. First, generally, to prove; as Dirationabit jus suum hæres propinquior. Glanville, l. 2. c. 6. and he, l. 4. c. 6. saith, Habeo probos homines qui viderunt & audiverunt, & parati sunt hoc dirationare. In the same manner Bracton uses it, Habeo sufficientem disratiocinationem & probationem.

By the Statute of 31 H. 8. cap. 1. Joyntenants and Tenants in common shall have Aid, to the intent to deraigne the Warrantie paramount. So Plow. in Manxel's Case, fol. 7. b. hath this Case, If a Man hath an Estate in fee with Warrantie, and enfeoffs a Stranger with Warrantie, and dies, and the Feoffee vouches his Heir; the Heir shall deraigne the first Warrantie. Also this Word is used when religious Men forsake their Orders and Professions;

De quibus sur disseisin.

CEO est un Brief de Entry. Veies Fitz. Nat. Brev. fol. 191.

Dereine.

DEreine ou Deraigne est prise en divers senses, & semble a venir del Francois Disarrayer, ceo est, confounder ou mitter hors de order; ou autrement del Norman parol Desrene, que est le denial del proper fait de un home; & Lex Disraishnia fust le Proof de un chose que un denia destre fait per luy mesme, & son adversarie affirme, defeatant & confondant le assertion de son Adversarie, & monstrant ceo destre sans & envers reason ou probabilitie. Et en nostre Ley il est variousment use. Premierment, generalment, de prover; come, Dirationabit jus suum hæres propinquior. Glanville, l. 2. c. 6. & l. 4. c. 6. dit. Habeo probos homines qui hoc viderunt & audiverunt, & parati sunt hoc dirationare. En mesme le manner Bracton ceo use, Habeo sufficientem Disratiocinationem & probationem.

Per le Statute de 31 H. 8. cap. 1. Joyntenants & Tenants en common averont Ayde, al'entent a deraigner le Garrantie paramount. Issint Plow. in Manxel's Case, fol. 7. b. ad cest Case, Si home ad Estate en fee, ove Garrantie, & enfeoffe estranger ove Garrantie, & morust, & le Feoffee vouch son Heire; le Heire deraignera le primer Garrantie. Auxy cest parol est use quant religious Homes waiva leur Orders & Professions; come en

R

Kitchin,

Kitchin, fol. 152. b si home fait Lease pur vie sur condition, que si le Lessor devie sans issue, que donques le Lessee avera Fee, le Lessee enter en Religion, & puis le Lessor devie sans issue, & puis le Lessee est *deraigne*; il navera Fee entant que al temps del Condition, le Fee ne poit vest en luy.

as in *Kitchin, fol. 152. b.* if a Man makes a Lease for Life upon condition, that if the Lessor dies without Issue, then the Lessee shall have Fee, the Lessee enters in Religion, and then the Lessor dies without Issue, and after the Lessee is *deraigned*; he shall not have Fee, insomuch as at the time of the Condition the Fee cannot vest in him.

De son tort demesne.

DE son tort demesne semble estre certain parols de forme en un Action de Trespasse, use per voy de Reply al Plee del Defendant: Come si A suist B. en un Action de Trespasse, B respondue pur luy mesme, que il ad ceo fait que A. appel Trespasse per le commandment de C. son Master; A dit arere, que B ad ceo fait *de son tort demesne*, sans ceo que C. luy commanda modo & forma, &c.

De son tort demesne.

DE son tort demesne seem to be certain Words of Form in an Action of Trespass, used by way of Reply to the Plea of the Defendant: As if A. sues B. in an Action of Trespass, and B. answers for himself, that he did this which A. calls Trespass by the Commandment of C. his Master; A. saith again, that B. did this of his own wrong without that that C. commanded him in such manner and form, &c.

Dett.

DEtt est un Brief que gist lou ascun somme de argent est due a un per reason de Accompt, Bargain, Contract, Obligation, ou autre Especialtie, a este pay a ascun certain jour, le quel nest pay; donques il avera cest Brief. Mes si ascun argent soit due a ascun Seignior per son Tenement pur ascun Rent-service, le Seignior ne unques avera Action de Dett pur ceo, mes il faut distreine pur ceo. Auxy pur Rent charge ou Rent-seck, quel home ad pur terme de son vie, en taile, ou en fee, il navera Action de Dett cy longe come le Rent endure; mes ses Executors poyent aver un

Debt.

DEbt is a Writ that lies where any Sum of Money is due to a Man by reason of Account, Bargain, Contract, Obligation, or other Especialty, to be paid at a certain Day, which is not paid; then he shall have this Writ. But if any Money be due to any Lord by his Tenant for any Rent-service, the Lord shall never have Action of Debt for that, but he must distrain for it, also for Rent-charge or Rent-seck, which any Man hath for Life, in Tail, or in Fee, he shall not have an Action of Debt as long as the Rent continues; but his Executors may have an Action of Debt for the Arrearages due in the

the Life of their Testator, by the Statute 32 H. 8. c. 37.

For Arrearages of Rent reserved upon a Lease for Term of Years, the Lessor is at his Election to have an Action of Debt, or to distrain: But if the Lease be determined, then he shall not distrain after for that Rent, but he must have an Action of Debt for the Arrearages.

And note, That by the Law of the Realm Debt is only taken to arise upon some Contract or Penalty imposed by some Statute or Pain, and not by other Offence, as in the Civil Law, *Debitum ex delicto*.

If a Man enter into a Tavern to drink, and when he hath drank, goes away, and will not pay the Wintner; the Wintner shall not have an Action of Trespass against him for his Entry, but shall have an Action of Debt for the Wine.

If I deliver Cloth to a Tailor to make a Gown, if the Price be not agreed on in certain before, how much I shall pay for the making; he shall not have against me a general Action of Debt, but a special one, and shall declare specially, and it shall be put to the Jury, how much he deserves.

But if a Tailor make a Bill, and himself rates the making, and the Necessaries thereunto; he shall not have an Action of Debt for his own Values, unless it was specially so agreed; but in such case he may detain the Garment until he be paid, as an Hostler may his Guest's

Action de Dett pur les Arrearages due en le vie leur Testator, per le Statute 32 H. 8. c. 37.

Pur Arrearages de Rent reserve sur un Lease pur terme de ans, le Lessor est a son election d'aver Action de Dett, ou pur distreiner: mes si le Lease determine, donques il ne distreiner apres pur cel Rent, mes covient luy d'aver un Action de Dett pur les Arrearages.

Et nota, Que per le Ley del Realme Dett est solement prise de surder sur ascun Contract ou Penaltie impose per ascun Statute ou paine, & nemy pur auter Offences, come en le Civil Ley, *Debitum ex delicto*.

Si home enter Taverne a boyer, & quand il ad boya, il de ala, & ne voet pay le Taverner; le Taverner n'avera Action de Trespasse vers luy pur son Entrie, mes avera Action de Dett pur le Vine.

Si jeo deliver Drape a un Tailor a faire un Toge, si le prise ne soit agreee en certain devant, combien jeo payera pur le feasance; il n'avera vers moy un general Action de Dett, mes un special Action de Debt, & countera specialment, & il ferra mis al Jury quant il deserve.

Mes si un Tailor fait un Bill, & il mesme rate le feasance & les necessaries a ceo; il n'avera Action de Dett pur ses values demesne, si non que fuit issint especialment agreee; mes en tiel case il poit deteine le Garment tanque il soit satisfie, come un Hostler poit

poit le Chival de son Gueſt *Hoſe for his Meaſt. Coke l. 8.*
pur ſon viands. *Coke l. 8. 147.*

Auxy Dett giſt pur fines
de Copyholds & pur amer-
ciaments en Courts Leet,
& Courts Baron, & ſur a-
gards, & ſur recoveries en
baſe Courts, ou Courts de
Record.

Detinue.

Detinue eſt un Brief que giſt
vers luy, que ayant biens
& chattels deliver a luy de
gard, reſuſe de reſtores eux
arere. Vide de ceo *Fitz. Nat.*
Brev. 138.

Devastaverunt bona Testa-
toris.

Devastaverunt bona Testatoris
eſt quand les Exeutors
voile deliver Legacies, ou
faire reſtitution par torts faits
per leur Teſtator, ou pay ſes
Debts due ſur Contract ou
Specialties, queux jours de
payment ne ſont uncore ve-
nus, &c. & ne gard ſufficient
en leur mains pur diſcharge
ceux Detts ſur Records ou
Specialties que ils ſont com-
pellable primerment per le
Ley de ſatisfier; donques ils
ſeront contraine de payer de
leur biens demesne ceux du-
ties, accordant al value de
ceo que ils deliveront ou pay
ſans compulſion: car tiel ir-
regular & illoyal Payments
ſont account en le Ley un
Vaſtant des biens del Teſta-
tor, cy tant come ſi ils ad
done eux ſans cauſe, ou vend
eux, & convert a leur proper
uſe.

Et pur ceo ſi A. ſoit lie en
Recogniſance, ou en Statute

Alſo Debt lyeth for Fines of
Copyholds, and for Amercia-
ments in Courts Leet, and
Courts Baron, and upon A-
wards, and upon Recoveries
in baſe Courts, or Courts of
Record.

Detinue.

Detinue is a Writ that lies
againſt him, who having
Goods and Chattels delivered
to him to keep, reſuſes to re-
deliver them. See hereof, *Fitz.*
Nat. Brev. 138.

Devastaverunt bona Testa-
toris.

Devastaverunt bona Testatoris
is, when the Executors will
deliver Legacies, or make Re-
stitution for Wrongs done by
their Teſtator, or pay his Debts
due upon Contracts or Special-
ties, whole Days of Payment
are not yet come, &c. and keep
not ſufficient in their Hands to
diſcharge thoſe Debts upon Re-
cords or Specialties, which they
are compellable by the Law to
ſatisfie in the firſt Place; then
they ſhall be constrained to pay
theſe out of their own Goods,
according to the Value of what
they voluntarily delivered or
paid without Compulſion; for
ſuch irregular and illegal Pay-
ments are accounted in the Law
a Waſting of the Goods of the
Teſtator, as much as if they
had given them away with-
out Cauſe, or ſold them, and
converted them to their own
Uſe.

And therefore if A. be bound
in a Recogniſance, or in a
Statute

Statute-Merchant, or Staple, and after Recovery is had against him in an Action of Debt, and he makes his Executors, and dies; his Executors are bound by the Law to pay the Debt due upon the Recovery, although it be later in Time, before the Debt due by Recognisance or Statute, because though both are Records, yet the Judgment in the King's Court upon judicial and ordinary Proceeding is more notorious and conspicuous, and of a more high and eminent Degree, than a Statute or Recognisance taken in private, and by Consent of Parties, and is therefore preferred in Judgment of the Law before Recognisance or Statute: and if the Executors do not satisfy the first, then if they have no Goods of the dead in their Hands, they shall pay it of their own. So the Ordinary having Goods of one that dies intestate in his Hands by Sequestration, and an Action of Debt upon an Obligation to the Value of the said Goods is brought against him as Ordinary; he shall not dispose or administer any Parcel of the said Goods to the other Creditors at his Pleasure, but is bound to satisfy the Debt first for which an Action is brought against him. *Dyer, fol. 232. placito 5.*

If a Sheriff return ex officio without Inquest, that the Executor hath waisted Goods, the Execution goes de bonis propriis of the Executor, and if the Return be false, then the Executor may have an Action upon the Case against the Sheriff for his false Return, because the Executor hath no Day to plead.

Merchant ou Staple, & puis Recoverie est eue vers luy en Action de Dett, & il fait ses Executors, & morust; ses Executors sont tenus per la Ley a payer le Det due sur Recoverie, coment que soit puisne, devant le Dett due per Recognisance ou Statute, pur ceo que coment que ambideux sont Records, uncore le Judgment en le Court le Roy sur judicial & ordinary proceeding est pluis notorius & conspicuous, & de pluis hault & eminent degree, que un Statute ou Recognisance prise en private, & per consent des parties, & pur ceo preferre en jugement del Ley devant Recognisance ou Statute: & si l'Executors ne ceo primerment satisfie, donque s'ils nont des biens le mort en leur mains, ils responderont ceo de leur biens demesne. Issint l'Ordinarie ayant biens de un que morust intestate en ses mains per Sequestration, & un Action de Dett sur un Obligation al value des dits biens soit port vers luy come Ordinarie; il ne disposera ou administrera aucun parcel de les dits biens a les autres Creditors a son pleasure, mes est tenus a satisfier le Dett primes de que un Action est attempt vers luy: *Dyer, fol. 232. placito 5.*

Si un Viscount retourne ex officio sans Enquest, que l'Executor ad degast biens, l'Execution issue envers les propres biens de l'Executor. Et si le retourne soit faux, donques l'Executor poit aver un Action sur le Case versus le Viscount pur son faux retourne, pur ceo que 'Executor ad nul jour

a pleder. Mes si le Viscount retorne *devastavit* sur un Enquest per Jury, l'Executor poit appear & traverse *quod ipse non devastavit*, & trie ceo. 1 Cro. Mounson & Bourne, & Proctor versus Chamberlain.

Devenerunt.

DEVENERUNT est un Brief direct al l'Escheator, quand ascun Tenants le Roy, que tient en Capite morust, & quand son Fils & Heire deins age, & en custodie le Roy, morust, dunque cest Brief issera, commandant l'Escheator, que il per le serement de probes & loyals homes enquire que Terres ou Tenements per le mort le Tenant deveigne al Roy, &c. Veies Dyer, fol. 360. placit. 4. Mes veies le Statute 12 Car. 2. cap. 24.

Devest.

DEVEST est un parol contrary al Invest; car come Invest signifie a trader le possession de un chose, issint Devest signifie l'auferance de ceo.

Devise.

DEVISE est, lou un en son Testament done ou grant ses Biens ou ses Terres a un autre apres son decease. Et lou tiel Devise est fait des Biens, si les Executors ne voylent delivret eux a le Devisee, il nad remede per le Common Ley; mes il covient de aver un Citation vers les Executors le Testator, de appearer devant le Ordinary, de monstrier pur que ils ne performe le Volunt le Testator: car le Devisee ne poit prender le Legacie & luy mesme server, mes il doit

But if the Sheriff retorn a devastavit upon an Inquiry by a Jury, the Executor may appear and traverse, *quod ipse non devastavit*, and try it. 1 Cro. Mounson and Bourne, and Proctor versus Chamberlain.

Devenerunt.

DEVENERUNT is a Writ directed to the Escheator, when any of the King's Tenants, holding in Capite dies, and when his Son and Heir, within Age, and in the King's Custody, dies, then shall this Writ go forth, commanding the Escheator, that he by the Oath of good and lawful Men enquire what Lands or Tenements by the Death of the Tenant come to the King, &c. See Dyer, fol. 360. placit. 4. But see the Statute 12 Car. 2. cap. 24.

Devest.

DEVEST is a Word contrary to Invest; for as Invest signifies to deliver the Possession of a Thing, so Devest signifies the taking it away.

Devise.

DEVISE is, where a Man in his Testament gives or bequeaths his Goods or Lands to another after his Decease. And where such Devise is made of Goods, if the Executors will not deliver them to the Devisee, he hath no Remedy by the Common Law, but it behoves him to have a Citation against the Executors of the Testator, to appear before the Ordinary, to shew why they perform not the Will of the Testator: for the Devisee may not take the Legacy and serve himself, but it must

must be delivered to him by the Executors. See the Stat. 32. H. 8. cap. 1. & 34 H. 8. c. 5. & 29 Car. 2. c. 3. By which last Statute the Law of Testaments is altered.

But by the Common Law, if a Man be sole seised of Lands in fee, and devises them by Testament, this Devise was void, unless the Lands were in a City or Borough where Lands are devisable by Custom. But if any Man were infeoffed to the Use of another and his Heirs, and he to whose Use he was so seised did make Devise of his Lands, this Devise was good, though it were not in a Town where Lands are devisable.

Also if any Man devise Lands in City, Town, or Borough, devisable, and the Devisor dies; if his Heir or any other abate in the Lands, then the Devisee shall have a Writ of Ex gravi querela. But this Writ shall never be pleaded before the King's Justice, but always before the Mayor or Bailiffs in the same Town.

And here, to the end to shew how much the Laws of this Realm, and the discreet Judges of the same, who are the Interpreters of it, do favour Wills and Testaments, and Devises, in yielding to them such a reasonable Construction as they think might best agree with the Minds of the Dead, considering that Wills and Testaments are for the most part, and by common Intendment, made when the Testator is very sick, weak, and past all Hope of Recovery: for it is a received Opinion in

estre deliver a luy per les Executors. Vide le Stat. 32. H. 8. cap. 1. & 34 H. 8. c. 5. & 29 Car. 2. c. 3. per quel darreine Statute le Ley des Testaments est alter.

Mes per le Common Ley, si home fuit sole seisie de Terres en fee, & devisa eux per son Testament; cest Devise fuit voide, si non les Terres fueront en un Citie ou Borough lou Terres sont devisable per Custome. Mes si ascun home fuisset enfeoffe al use de un auter & ses Heires, & cestuy a que use il fuit issint seisie fesoit Devise de ses Terres; cest Devise fuit bone, comment que il ne fuit en Ville lou Terres sont devisable.

Auxy si ascun home devise Terres en Citie, Ville, ou Borough, devisable, & le Devisor devie; si son Heire ou ascun auter abate en les Terres, donques le Devisee avera Brief de *Ex gravi querela*. Mes cest Brief ne serra jammes plede devant le Justice le Roy, mes tous foirs devant le Maior ou Bailiffe en le dit Ville.

Et ore, al fine de monstre quant les Leys de cest Realm, & les discreet Judges de ceo, queux sont les Interpreters, ont favour Volunts & Testaments, & issint Devises, en yeelding al eux tiel reasonable construction come ils pensent poit bien agree ove les mentes de les morts, considerantes que Volunts & Testaments sont pur le pluis part, & per common intendment, fait quand le Testator est ore en grand languor feeble, & passa tout sperans de recovery: car il est un opinion

en le Pays inter le greinder nombre, que si un home per-chance soit cy prudent come da faire son Volunt en son bone sanitie, quand il est strong, de bone memorie, & ad temps & opportunitie a demand counsel (si ascun doubt soit) de le learned, que donques il ne doit vivre long apres; & pur ceo ils ceo deferre tanque tiel temps quant ceo soit pluis convenient de applier eux mesmes a le disposition de lour Ames, que de lour Terres & Biens, si non que il soit que de fresh memorie & recital per eux a cest temps, il poit estre un cause de mitter eux en ment de ascun de lour biens ou terres fauxment purchase, & issint move eux al restitution, &c. Et a cest temps l'ecriture de tiels Volunts est communement commit al Minister del Paroch, ou al ascun auter pluis ignorant, que ne scavoit queux parols sont necessarie pur faire un Estate en Fee-simple, Fee-taille, pur terme de vie, ou tiels semblables, preter divers auter mischiefs: Jeo voile pur ceo mis cy ascuns de ceux Cases queux sont pluis common en les bouches de les ignorant homes, & portant, per le scavient interpretations de les Judges, un large & pluis favourable sense en Volunts, que en Faits.

Et pur ceo primerment, si un devise al J. S. per son Volunt tous ses Terres & Tenements; icy non solement tous ceux Terres que il ad en possession passent, mes auxy tous ceux que il ad en Reversion, per vertue de ceux parols, Tenements.

the Country amongst most, that if a Man should chance to be so wise as to make his Will in his good Health, when he is strong, of good Memory, and both Time and Leisure to ask Counsel (if any Doubt were) of the learned, that then he should not live long after; and therefore they defer it to such time when it were more convenient to apply themselves to the Dispositions of their Souls, than of their Lands or Goods, except it were, that by the fresh Memory and Recital of them at that time, it might be a Cause to put them in mind of some of their Goods or Lands falsely gotten, and so move them to Restitution, &c. And at that time the penning of such Wills is commonly committed to the Minister of the Parish. or to some other more ignorant, who knows not what Words are necessary to make an Estate in Fee-simple, Fee-tail, for Term of Life, or such like, besides many other Mischiefs; I will therefore here set down some of those Cases that are most common in ignorant Mens Mouths, and carry, by the wise Interpretations of the Judges, a larger and more favourable Sense in Wills, than in Deeds.

First therefore, if one devise to J. S. by his Will all his Lands and Tenements; here not only all those Lands that he hath in Possession do pass, but all those that he hath in Reversion, by Virtue of those Words, Tenements.

And if Lands be devised to a Man to have to him for ever, or to have to him and his Heirs; in these two Cases the Devisee shall have a Fee-simple. But if it be given by Feoffment in such manner, he hath but an Estate for Term of Life.

And if a Man devise his Land to another, to give, sell, or do therewith at his Pleasure or Will; this is Fee-simple.

A Devise made to one and to his Heirs Males doth make an Estate-tail: But if such Words be put in a Deed of Feoffment, it shall be taken for Fee-simple, because it doth not appear of what Body the Heirs Males shall be begotten.

If Lands be given by Deed to J. S. and to the Heirs Males of his Body, &c. who hath Issue a Daughter, who hath Issue a Son, and dies; there the Land shall return to the Donor, and the Son of the Daughter shall not have it, because he cannot convey himself by Heirs Males, for his Mother is a Let thereto: But otherwise it is of such a Devise, for there the Son of the Daughter shall have it, rather than the Will shall be void.

If one Devise to an Infant in his Mother's Belly, it is a good Devise; but otherwise by Feoffment, Grant, or Gift; for in those Cases there ought to be one of Ability to take presently, or otherwise it is void. See 14 El. Dy. 304.

Et si Terres sont devise a un home a aver a luy imperpetuum, ou aver a luy & ses Assignes; en ceux deux cases le Devisee avera Fee-simple. Mes si soit done per Feoffment en tiel manner, il nad forsque Estate pur terme de vie.

Auxy si un home devise ses Terres al auter, pur doner, vender, ou faire de ceo a son volunt & pleasure; ceo est Fee-simple.

Un Devise fait al un & a ses Heires males fait un Estate taile: Mes si tiels parolx sont mis en un fait del Feoffment, il serra prise pur Fee-simple, pur ceo que il nappiert de que corps les Heires males serra engender.

Si Terres sont done per Fait al J. S. & a les Heires males de son corps, &c. que ad issue file, que ad issue fits, & morust; la le Terre revertera al Donour, & le fits de file navera ceo, pur ceo que il ne poit a luy mesme conveyer per Heires males, car la mere est un obstacle a ceo: Mes autrement est de tiel Devise, car la le fitz del file ceo avera, plustost que le Volunt serra void.

Si un devise al Enfant en ventre matris sue, cest bone Devise; mes autrement per Feoffment, Graunt, ou Done; car en ceux cases il doit estre un del habilitie pur prender maintenant. autrement il est void. Veies 14 El. Dy 304.

Un Devise fait en Fee-simple, sans expresse parols del Heires, est bone en Fee-simple.

Mes si un Devise soit al J. N. il avera les Terres forsque pur terme de vie; car ceux parols ne voilent porter greinder Estate.

Si un voile que son fits J. avera son Terre puis le mort sa feme; icy le feme le Devisor avera le Terre primes pur terme de sa vie. Issint si home devise ses biens a sa feme, & que apres le decease de son feme, son fits & Heire avera le Meason ou les biens sont; la le fits n'avera le Meason durant le vie de le feme: Car il appiert que son intent fuit, que sa feme doit aver le Meason auxy pur sa vie, nient obstant il ne fuit devise a luy per expresse parols.

Si un Devise soit al J. N. & a les Heires females de son corps engendres, apres le Devisee ad issue fits & file, & morust; icy le file avera le Terre, & nemy le fits, & uncore il est pluis digne Person, & Heire al son Pere: mes pur ceo que Volunt del mort est, que le file doit ceo aver, Ley & Conscience voet issint auxy.

Et en cest point les Heathens fueront precise, come appiert per ceux Verses de *Octavius Augustus*, que *Donatus* report il fesoit apres que *Virgil* a son mort donoit commandement que ses Livres doint estre combure, pur ceo que ils fueront imperfect, &

A Devise made in Fee-simple, without expresse Words of Heirs, is good in Fee-simple.

But if a Devise be made to J. N. he shall have the Land but for Term of Life; for those Words will carry no greater Estate.

If one will that his Son J. shall have his Land after the Death of his Wife; here the Wife of the Devisor shall have the Land first for Term of Life. So likewise if a Man devise his Goods to his Wife, and that after the Decease of his Wife, his Son and Heir shall have the House where the Goods are: there the Son shall not have the House during the Life of the Wife: For it doth appear that his Intent was, that his Wife should have the House also for her Life, notwithstanding it were not devised to her by expresse Words.

If a Devise be to J. N. and to the Heirs Females of his Body begotten, after the Devisee hath Issue a Son and Daughter, and dies; here the Daughter shall have the Land, and not the Son, and yet he is the most worthy Person, and Heir to his Father: but because the Will of the dead is, that the Daughter should have it, Law and Conscience will so also.

And herein the very Heathens were precise, as appears by those Verses of *Octavius Augustus*, which *Donatus* reports he made, after *Virgil*, at his Death, gave Commandment that his Books should be burnt, because they were imperfect, and yet some perswaded, that they

they should be saved, as indeed they happily were; to whom he answered thus;

Let Faith and Law be kept;
and what last Will
Commanderth to be done,
we must fulfil.

Devoire.

Devoire is as much as to say a Duty. It is used in the Statute of 2 R. 2. cap. 3. where it is provided, That all the Western Merchants, being of the King's Amity, shall pay all Manner of Customs and Subsidies, and other Devoires of Calais. See the Stat. 5: ejusd. Regis cap. 2.

Devorce.

Devorce or Divorce, Divortium, dictum est a Diversitate mentium, quia in diversas partes eunt qui distrahunt Matrimonium; or else from the Verb Diverto, which signifies to return back, because after the Devorce between the Husband and Wife, he returns her again to her Father, or to her Friends, or to the Place from whence he had her.

And though Devorce was never approved of by the Divine Law, but contrariwise prohibited, as appears by this Precept, Let no Man separate that which God hath joyned together; yet in all Ages and well-govern'd Common-wealths it hath been used and permitted: And at this Day with us there are divers Causes for which the Husband and Wife may be devorced, as first causa Pracontractus.

uncote ascuns persuadont que ils doint estre save, come en fait ils happiment fueront; a que il responde issint;

*Sed Legum servanda Fides;
suprema voluntas
Quod mandat, fierique jubet,
parere necesse est.*

Devoire.

Devoire est tant adire come Dutie. Ceo est use en le Statute de 2 R. 2. cap. 3. ou est purview, Que tous Merchants del West, estiant del amitie le Roy, payera tous manners des Customs & Subsidies, & auters Devoires de Calais. Veies le Stat. 5. ejusd. Regis cap. 2.

Devorce.

Devorce, Divortium, dictum est a Diversitate mentium, quia in diversas partes eunt qui distrahunt Matrimonium; ou autrement del verbe Diverto, que signifie de retourner arere, pur ceo que puis le Devorce perenter le baron & feme, il luy retourne arere a sa pere, ou auter amies, ou al lieu de que il luy prist.

Et coment que Devorce ne unques fuit approve per le Divine Ley, mes al contrarie prohibite, come appiert per cest mandat, *Quod Deus conjunxit homo non separet*; uncore en tous ages & bien dispose Common-weales il ad este use & permit: Et issint a cest jour ove nous la sont divers causes pur queux baron & feme poient estre devorce, come primerment *causa Pracontractus*.

Pur

Pur ceo si home martie ove feme *precontract*, & ad Issue per luy, cest issue en Ley & en verite port le surnome de son pere: mes si puis le Baron & Feme sont devorce pur le *Precontract*, ore le issue ad perde son surnome, & est devenus Bastard, & *nullius filius*. Cok. lib. 6 fol. 66.

Devorce poit estre *causa Frigiditatis*, & pur ceo si home soit espouse a un feme & puis ils sont devorce *causa Frigiditatis*, & donque le home prist auter feme, & ad issue per luy; uncore cest issue est legitimate, pur ceo que home poit estre *habilis & inhabilis diversis temporibus*, & per le Devorce *causa Frigiditatis* le Marriage fuit dissolve a *vinculo Matrimonii*, & per consequence chescun de eux poit marrie arere. Co. lib. 5. fol. 98. b.

Auxy ceo poit estre devorce *causa Impubertatis*, ou *Minoris etatis*: & en ceo case si deux sont espouse *infra annos nobiles*, & apres le pleine age Devorce soit prise inter eux; ceo dissolve l'Espousals, & le feme poit suer un Assise vers le baron pur Terres ou Tenements done ove luy en Frank-marriage, 19 lib. Assise Pla. 2. Istant Devorce poit estre *causa Professionis*, *causa Consanguinitatis*, *causa Fornicationis*, & pur plusors auters meistres pluis tedious destre jammes recite.

Covient que en le sentence de Devorce le Cause de ceo soit monstre, pur ceo que ascun Devorce dissolve le Matrimonie, cest adire, a *vinculo Matrimonii*, bastard le

Therefore if a Man marry with a Woman precontracted, and hath Issue by her, this Issue in Law and in Truth bears the Surname of his Father: But if after the Husband and Wife be devorced for the *Precontract*, there the Issue hath lost his Surname, and is become a Bastard, and *nullius filius*. Cok. lib. 6. fol. 66.

Devorce may be *causa Frigiditatis*: and therefore if a Man be married to a Woman, and after they are devorced *causa Frigiditatis*, and then the Man takes another Wife, and hath Issue by her; yet this Issue is lawful, because that a Man may be *habilis & inhabilis diversis temporibus*, and by the Devorce *causa Frigiditatis* the Marriage was dissolved a *vinculo Matrimonii*, and by Consequence either of them might marry again. Cok. lib. 5. fol. 98. b.

Also a Man may be devorced *causa Impubertatis* or *Minoris etatis*: and in this Case if two are married *infra annos nobiles*, and after full Age Devorce is had between them; this dissolves the Marriage, and the Woman may arraign an Assise against the Husband for the Lands or Tenements given with her in Frank-marriage, 19 lib. Assise, Pla. 2. So Devorce may be had *causa Professionis*, *causa consanguinitatis*, *causa Fornicationis*, and for many other Causes, too long to be now recited.

It is requisite that in the Sentence of Devorce the Cause thereof be shewed, because some Devorce dissolves the Matrimony, that is to say, a *vinculo Matrimonii*, bastards the Issue and

and bars the Wife of Dower; and some a mensa & choro, the which dissolves not the Matrimony, nor bars the Woman of Dower, nor bastards the Issue.

Devorce is a Judgment spiritual, and therefore, if there be Cause, ought to be reversed in the Spiritual Court. See Coke, lib. 7. Kenne's Case.

If a Woman Coppyholder of certain Land, durante viduitate sua, according to the Custom of the Manor, sows the Land, and before the Severance of the Cozn takes a Husband; the Lord shall have the Emblements, and not the Husband: But if a Lease be made to the Husband and Wife during the Coverture, and the Husband sows the Land, and afterward they are divorced causa Pracontractus; the Husband shall have the Emblements, and not the Lessor.

Dicker.

Dicker is a Word used in the Statute of 1 Jacobi, c. 22. and it signifies the Quantity of ten Hides of Leather. And it seems to come from the Greek Word Decas, which signifies Ten.

Day.

There are four sorts of Days,
1. A Natural, as the Scripture says the Evening and Morning made the first Day.
2. An artificial Day, from Morning Light to Twilight.
3. An Astrological Day, from the Sun's rising to the Sun's setting.
4. A Legal Day, and this is of two kinds, 1. Dies juridicus, and such are all Days in Bank, Continuance, Days

issue, & barre le feme de Dower; & ascun a mensa & choro, le quel ne dissolv le Matrimonie, ne barre le feme de Dower, ne bastard le issue.

Devorce est Judgment spiritual, & pur ceo, sil soit cause, covient estre reverse en le Spiritual Court. Veies Coke, lib. 7. Kenne's Case.

Si feme Copiholder de certeine Terre durante viduitate sua, solonque le Custome del Manor, emblea le Terre, & devant le severance del Emblements prist Baron; ove le Seignior avera l'Emblements, & nemy le Baron: Mes si Lease soit fait al Baron & feme durant le Coverture, & le Baron emblea le Terr, & puis ils sont devorce causa Pracontractus; le Baron avera les Emblements, & nemy le Lessor,

Dicker.

Dicker est un parol use en le Statute 1 Jacobi, cap. 22. & signifie le quantitie des Dize Hides de Cuir. Et semble de vener del Greeke parol Decas, que signifie Dize.

Dies.

ILS sont quater sorts de jours. 1. Natural, come le Ecriture dit le Vespere & le Matin font le primer jour.
2. Artificial jour, a crepusculo matutino usque crepusculum vespertinum.
3. Astrological jour, ab ortu solis ad occasum.
4. Legal jour, & ceo est de deux sorts, 1 Dies juridicus, & ceux sont tous jours en Bank, Continuance,

nuance, Jours de Effoin, & autres Jours done en Term a les Parties en Court. 2. Dies non juridici, come tous les Sabbats en le Term, & auxy divers particular jours, come Festum Ascens. en Term Pasch. Fest. Sant J. Bapt. en Term Trin. Fest. Omn. Sanct. & Omn. Anim. en Term Mich. Fest. Pur. B. Mar. en Term Hil. Veies Coke 2 Inst. 264.

Diem clausit extremum.

Diem clausit extremum est un Brief que gist lou le Tenant le Roy que tient en Chief, morust; dunque cest Brief serra direct al Escheator, d'enquiere de quel Estate il fuit seisie, que est prochein Heir, & de quel age, & de la certaintie & value del Terre, & de que ceo est tenus; & cel inquisition serra retourne en le Chancerie, & est communement appel *Le Office apres le mort tiel Person.*

Et est auter Brief de *Diem clausit extremum* agard hors del Exchequer, apres mort del un Accomptant ou Detter al Roy, a levier le Debt de son Heire, Executor, Administrators, Terres ou Biens.

Dies datus.

Dies datus est un Respite done al Tenant ou Defendant devant le Court. Brook, Tit. Continuance.

Dieta rationabilis.

Dieta rationabilis est ascun foits use pur le reasonable Journey de un jour,

of Effoin, and other Days given in Term to the Parties in Court. 2. Dies non juridici, as all Sundays in Term, and also other particular Days, as the Feast of Ascens. in Easter Term; the Feast of S. J. Bapt. in Trinity Term; Feast of All Saints in Michaelmas Term; Feast of Pur. B. Mar. in Hilary Term. See Coke, 2 Inst. 264.

Diem clausit extremum.

Diem clausit extremum is a Writ that lies where the King's Tenant that holds in Chief, dies; then this Writ shall be directed to the Escheator, to inquire of what Estate he was seised, who is next Heir, and his Age, and of the Certainty and Value of the Land, and of whom it is holden; and the Inquisition shall be returned into the Chancery, which is commonly called The Office after the Death of that Person.

And there is another Writ of *Diem clausit extremum* awarded out of the Exchequer, after the Death of an Accomptant or Debtor of his Majesty, to levy the Debt of his Heir, Executor, Administrator's Lands or Goods.

Dies datus.

Dies datus is a Respite given to the Tenant or Defendant before the Court. Brook, Tit. Continuance.

Dieta rationabilis.

Dieta rationabilis is sometimes used for a reasonable Day's Journey, as Bract. lib.

lib. 3. part 2. cap. 16. It hath in the Civil Law other Significations, which need not be here mentioned. See Vocabul. utriusque Juris.

Dieu son act.

Dieu son act, these are Words oftentimes used in our Law, and it is a Maxim, That the Act of God shall prejudice no Man: And therefore if a House fall down by Tempest, or other Act of God. the Lessee for Life or Years shall not only be quit in an Action of Waste brought against him, but hath by the Law a special Interest to take Timber to build the House again, if he will, for his Habitation. Cok. lib. 4. 63. & lib. 11. 82. a.

In like Manner, when the Condition of an Obligation consists of two Parts in the Disjunctive, and both are possible at the Time of the Obligation made, and afterwards one of them becomes impossible by the Act of God; the Obligor is not bound to perform the other Part, for the Condition shall be taken beneficially for him. Cok. lib. 5. 22.

Dignitaries.

Dignitaries; Dignitarii, are such as are promoted to any Ecclesiastical Dignity; as a Dean, an Archdeacon, a Prebendary, &c. 3 Inst. fol. 155.

come *Bract*, lib. 3. part 2. cap. 16. Il ad en Civile Ley auters interpretations, que ne besoigne desirer cy insert. Veies *Vocabul. utriusque Juris*.

Dieu son act.

Dieu son act, ceux sont paroles plusieurs fois use en nostre Ley, & la est un Maxime, Que le Act de Dieu ferra prejudice a nulluy: Et pur ceo si Meason eschuint per Tempest, ou auter Act de Dieu, le Lessee pur vie ou pur ans non solement ferra quit en Action de Waste port vers luy, mes ad per le Ley un special interest a prendre le merisme pur edifier le Meason arere, sil voit, pur son habitat. Cok. lib. 4. 63. & lib. 11. 82. a.

En mesme le manner, quand le Condition dun Obligation estoit sur deux parts en le disjunctive, & ambideux sont possible al temps del Obligation fait, & puis lun de eux deveigne impossible per le Act de Dieu; le Obligor nest tenu a performer l'auter part, car le Condition ferra prise beneficialment pur luy. Cok. lib. 5. 22.

Dignitaires.

Dignitaires, Dignitarii, sont tiels qui sont avance al ascun Promotion Ecclesiastical; come un Dean, Archdeacon, Prebendary, &c. 3 Inst. fol 155.

Dignitie Ecclesiastical.

Dignitie Ecclesiastical est un Phraſe de Parlaſſe uſe en le Statute de 26 Hen. 8. cap. 3. & per les Canonists est define deſtre *Administratio cum Jurisdictione & potestate aliqua conjuncta.*

Diminution.

EST quand le Plaintiff ou Defendant en un brief de Error alleges al Court que part del Record remaine en le Inferiour Court ni ent certifie, & prie que ceo ſerra certifie per *Certiorari. Co. Ent. 232, 242. 1 Cro. John versus Thomas, 3 Cro. 479, 131. Roll. Abridg. 765, 20.*

Diocesse.

Diocesse est le Circuit del Jurisdiction de cheſcun Eveſque: Car est Royalme ad deux ſorts de Diviſions, le un en Shires ou Counties, en reſpect del Temporal Polity; le autre en Diocesses, en reſpect del Jurisdiction Ecclesiastical.

Disabilitie.

Disabilitie est, quand home per aſcun choſe ou aſt per luy meſme ou ſon aſceſtor fait ou commit, ou pur ou per aſcun autre cauſe est *disable* ou fait incapable a faire, de inheriter, ou de prender benefit ou advantage de un choſe, que autrement il poit aver done ou fait.

Dignity Ecclesiastical.

Dignity Ecclesiastical is a Phraſe of Speech uſed in the Statute of 26 Hen. 8. cap. 3. and by the Canonists is defined to be Administration conjoined with any Power and Jurisdiction.

Diminution.

IS when the Plaintiff or Defendant in a Writ of Error alleges to the Court, that part of the Record remains in the Inferiour Court not certified, and prays that it be certified by *Certiorari. Co. Ent. 232, 242. 1 Cro. John versus Thomas. 2 Cro. 479. 131. Roll's Abridg. 765, 20.*

Diocess.

Diocess is the Circuit of the Jurisdiction of every Bishop: For this Realm hath two kinds of Divisions; the one in Shires or Counties, in respect of the Temporal Polity; the other in Diocesses, in respect of the Ecclesiastical Jurisdiction.

Disability.

Disability is, when a Part by any Act or Thing, by himself or his Ancestor done or committed, or for or by any other Cause, is disabled or made incapable to do, inherit, or take Benefit or Advantage of a thing, which otherwise he might have had or done.

There

There are many Things by which a Man may be disabled; and those are ordinarily either by the Act of the Party, or his Ancestor, or by the Act of the Law, or of God.

Disability by the Act of the Ancestor; as if a Man be attainted of Treason or Felony, by this Attainder his Blood is corrupt, and thereby himself and his Childzen disabled to inherit.

Disability by the Act of the Party himself; as if a Man makes a Feoffment to another Man that then is sole, upon Condition, that he shall infeoff a third Man before Marriage, and before Marriage or the Feoffment made, the Feoffee takes a Wife; he hath by that disabled himself to perform the Condition according to the Trust in him reposed, and therefore the Feoffor may enter and ouster him, as it is in Lit. sect. 357. So if the Feoffee charges the Land, or enters into a Statute-Staple, or Statute-Merchant; by these Acts he hath disabled himself, and therefore the Feoffor may enter as in the former Case. So if I bind my self, that upon Surrender of a Lease I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this Case, though I afterwards repurchase, and get the whole Reversion to me again, yet I have forfeited my Obligation, because I was once disabled to perform it. Co. lib. 5. fol. 21. And if a Man be excommunicated, he cannot during that Time sue any Action, but shall be thereby disabled, Coke, lib. 8. fol.

La sont plusieurs choses par queux home poit estre disable; & ceux sont communement ou per le act del Partie, ou son Ancestor, ou per le act del Ley, ou de Dieu.

Disabilitie per act del Ancestor; come si home soit attaint de Treason ou Felonie per cest Attainder son sangue est corrupt, & per ceo luy mesme & ses issues disable de inherit.

Disabilitie per le act del Partie mesme; come si un home fait Feoffment al auter home que adonque est sole, sur condition, que il enfcoffera un tierce home devant Marriage & devant Marriage ou le Feoffment fait, le Feoffee prist feme; il ad per ceo luy disable de performer le Condition accordant al trust en luy repose, & pur ceo le Feoffor poit enter, & luy ouster, come est Lit. sect. 357. Ilint si le Feoffee charge le Terre, ou enter en Statute-Staple ou Statute-Merchant, per ceux acts il ad luy mesme disable, & le Feoffor pur ceo poit enter, come en le primer case. Ilint si jeo moy oblige, que sur Surrender de un Lease jeo voile faire un novel Estate al Lessee, & puis jeo granta ouster mon Reversion; en ceo case, coment que jeo en apres ceo repurchase, & acquiere tout le Reversion a moy arere, uncore jeo aye forfeit mon Obligation, pur ceo que jeo suy un foits disable de performe, Coke lib. 5. fol. 21. Auxi si home soit excommenge, il ne poit durant ceo temps suer aucun Action, mes serra per
S cep

ceo disable, *Co. lib. 8. fol. 69.* 69. and so in many other
& issint en plusors auters Cases.

Disabilitie per act del Ley est, plus proprement, quand home per le sole act del Ley, sans aucun original ou primer chose per luy fait, est disable & issint est Alien nee. Et pur ceo, si home nee hors de la liegeance de nostre Seignior le Roy voile suer aucun Action, le Tenant ou Defendaint poit dire, que il fuit nee en tiel Pays hors de la allegiance le Roy, & demand Judgment sil ferra respondue; car le Ley est nostre Birthright, a que un Alien est collateral & estrange, & pur ceo disable pur prendre aucun benefit per ceo.

Per le Act de Dieu; come destre *Non compos mentis* est un Disabilitie en aucun cases, & en aucun nemy; pur que semble que cest difference poit estre prise: que en tous cases un home *non compos mentis* done on passe aucun chose ou Estate hors de luy, ceo poit apres son mort estre anient & fait void; mes ou home *non sane memoria* fait un chose per que riens passe hors de luy, la il poit en aucuns especial cases estre lie: come si il soit Lessee pur ans, rendant Rent, & le Lessor granta le Reversion; ore le Lessee *non compos mentis* he poit faire Attornement, car cestuy que est *amens*, ou sans ment, ne poit faire Attornement, que est Agreement; & uncore en tiel case si le Lessor eject luy, & fait Feoffment, & puis le Lessee *non sane memoria* re-enter, cest act de

Disability by Act of Law is, most properly; when a Man by the sole Act of Law, without any former Thing by him done, is disabled; and so is an Alien born. And therefore, if a Man born out of the Ligeance of our Lord the King will sue any Action, the Tenant or Defendant may say, that he was born in such a Country forth of the King's Ligeance, and demand Judgment if he shall be answered; for the Law is our Birth-right, to which an Alien is collateral and a Stranger, and therefore disabled to take any Benefit thereby.

By the Act of God, as not to be of whole Memory is a Disability in some Cases, and in others not; for which it seems this Difference may be taken: That in all Cases where a Man of no whole Memory gives or passes any Thing or Estate out of him, this after his Death may be disannulled and avoided; but where a Man *non sane memoria* doth a Thing whereby Nothing passes out of him, there he may in some special Cases be bound: As if he be Lessee for Years, rendering Rent, and the Lessor grants the Reversion; there the Lessee *non sane memoria* cannot make Attornment, for he that is *amens*, or without Mind, cannot make Attornment, which is Agreement; and yet in such Case if the Lessor ejects him, and makes a Feoffment, and afterwards the Lessee *non sane memoria* re-enters, this Act of

Re-entry doth subject him to the Distress and Action of Waste.

And it is a Maxim in Law, That a Man of full Age shall never be received to disable his own Person. And this Incapacity to disable himself, as to some Persons is personal, and extends only to the Party himself; and as to others it is not personal, but shall bind them also.

There are four Manners of Privities: scil. Privies in Blood, as Heir; Privies in Representation, as Executors or Administrators; Privies in Estate, as Donee in Tail, the Reversion or Remainder in Fee, &c. and Privies in Tenure, as the Lord and Tenant: And two of these may disable the Person of the dead, which was non sanæ memoriæ, or, &c. and shall avoid his Grants or Feoffments, and two of them not. For Privies in Blood may shew the Disability of the Ancestor, and Privies in Representation the Infirmitie of their Testator or Intestate; but neither Privy in Estate, nor Privy in Tenure can so do. Co. lib. 4. fol. 123, 124. See Littleton Sect. 405. and Co. lib. 8. fol. 43.

Disalt.

Disalt signifies as much as to *Disable*. Littleton cap. *Discontinuance*.

Re-entrie subj-ct luy mesme al Distress & Action de Waste.

Et il est un Maxime en la Ley, Que home de plein age ne unques serra recevoir a disabler son person demesme. Et cest incapacitie a disabler luy mesme, quant al ascun persons est personal, & extend solement al partie mesme; & quant al auters nest personal, mes lierra eux auxy.

Sont quater manners de privities: scil. Privies en Sanke, come Heir; Privies en Representation, come Executors ou Administrators; Privies en Estate, come Donee en tail; le Reversion ou Remainder en fee, &c. & Privies en Tenure, come Seignior & Tenant: & deux de ceux poient disabler le person del mort, que ne fuit *compos mentis*, ou, &c. & avoidera ses Grants ou Feoffments, & deux nemy. Car Privies en Sanke poient monstre le Disability del Ancestor, & Privies en Representation le Infirmitie de leur Testator ou Intestate; mes neque Privie en Estate neque Privie en Tenure ceo serra. Co. lib. 5 fol. 123, 124. Veies *Lit. Sect. 405. and Co. lib. 8. fol. 43.*

Disalt.

Disalt signifie auxy mult come *Disable*. Littleton cap. *Discontinuance*.

Disceit.

Disceit est un Brief, ascun foits Original, & ascun foits Judicial. Quand il est *Original*, gist lou ascun disceit est fait a ascun home per un auter per non performance de un Bargain ou Promise, donques celuy que est en tiel man-
ner disceive avera cest Brief.

Quand il est *Judicial*, il gist ou *Scire facias* est sue hors de ascun Record vers un, & le Viscount retourne que il est garnie, ou il ne tuit garnie ; ou lou un *Præcipe quod reddat*, de Plee de Terres, ou *Quare Impedit*, del Presenment al Esglise, est sue vers un, & le Viscount retourne que le Defendant est summon, lou il ne fuit ; per quel *Disceit* & faux Returne le Demandant ou Plaintiffe recover : Donques le Partie greeve avera cest Brief vers luy que recovers, & vers les Summoners & vers le Viscount ; & le Brief serra direct al Coroners de mesme le Countie, si il continue Viscount que fist le Returne.

Issint si home fait Attorney en un Action real port vers luy, & puis est agree per Covin perenter le Demandant & le dit Attorney, que l' Attorney fayera Default, que issint fait accordant, per que le Tenant perde son Terre ; donque mesme le Tenant que perda le Terre poit aver un *Brief de Disceit* envers l' Attorney.

Disceit.

Disceit is a Writ, sometime Original, and sometime Judicial. When it is Original, it lies where any *Disceit* is done to a Man by another, by not Performance of a Bargain or Promise, then he that is in such manner deceived shall have this Writ.

When it is Judicial, it lies where a *Scire facias* is sued out of any Record against a Man, and the Sheriff returns that he is warned, where he was not ; or a *Præcipe quod reddat*, of a Plea of Lands, or a *Quare Impedit*, of the Presenting to a Church, is sued against one, and the Sheriff returns that the Defendant is summoned, where he was not ; by which *Disceit* and false Return the Demandant or Plaintiff recovers : Then the Party grieved shall have this Writ against him that recovered, and against the Summoners, and against the Sheriff ; and the Writ shall be directed to the Coroners of the same County, if he continue Sheriff that made the Return.

So if a Man makes an Attorney in an Action real brought against him, and afterwards it is agreed by *Disceit* between the Demandant and the said Attorney, that the said Attorney shall make Default, who doth so accordingly, whereby the Tenant loses his Land ; then the same Tenant that loses the Land may have a Writ of *Disceit* against the Attorney.

Also if a Man brings an Action of Trespass against two others, and the Plaintiff and an Attorney by Disceit, cause two Strangers, not Parties to the Writ, to come into Court, and say that they are the same two Defendants named in the Writ, and that they appoint the same Man to be their Attorney in that Suit, whereupon the same Attorney, as Attorney to the Defendants named in the Writ, pleads to the Issue, and after suffers the Enquest to pass by his Default, by which means the Plaintiff recovers: In this Case those that are indeed Defendants may have a Writ of Disceit against the same Attorney, and shall recover their Damages. Fitzh. Nat. Brev. 96.

And as the Law punishes her Officers, as Serjeants, Pleaders, Philizers, Exigenter, Attornies, and others, so she renounces and condemns all Acts of greatest Impotence, if they be intermixt with Disceit and Falshood. As if a Fine be levied by Disceit, and five Years past; by the Statute of 4 Hen. 7. cap. 24. all Persons and their Rights shall be barred thereby: Yet for that it was by Disceit, the Fine shall be avoided, as is adjudged in Co. lib. 3. fol. 77. In the same Manner, if one recover Land by Disceit, the Recovery for this shall be frustrated and made void, 3 Ed. 3. 28. So if a Woman, that hath good Cause to be endowed, will by Disceit have the Tenant to be disseised, and after recovers her by a Writ of Dower against

Auxy si home port Action de Trespass vers deux autres, & le Plaintiff & un Attorney per Covin causant deux Estrangers, nient Parties al Brief, a vener en le Court, & dire que ils sont mesme les deux Defendants nosme en le Brief, & que ils designe mesme le home destre leur Attorney en cel Suit, sur que mesme le Attorney, come Attotney al Defendants nosme en le Barre, pledont al Issue, & puis suffer l'Enquest a passer per son Default, per quel means le Plaintiff recou- ver: En cest case ceux que sont voyerment Defendants poyent aver un Brief de Disceit envers mesme le Attorney, & recuperont leur Damage. Fitz. Nat. Brev. 96.

Et sicome le Ley punie son Officers, come Sergeants, Pleadors, Philifers, Exigenter, Attornies, & autres; issint il rej-ct & dampne tous a del plus grand importance, s'ils sont enterlayse ove Disceit & fauxirie, Come si un Fine soit levie per Disceit, & cinque ans passe; per le Stat. de 4 H. 7. c. 24. tous per- sons & leur droits seront per ceo barre: uncore pur ceo que fuit per Disceit, le Fine serra avoide, come est adjudge en Co. lib. 3. fol. 77. En mesme le manner, si un recover Terre per Disceit, le Recoverie pur ceo serra anient & fait void, 3 Ed. 3. 28. Issint si feme, que ad bone cause destre endow, voile per Disceit aver le Tenant disseise, & puis recover sa Dower per Brief de Dower envers le Disseisor; uncore il serra ad-

judge en possession envers le Disseisee lorsque come un Disseisee, en respect del Disceit. *Co. lib. 5. fol. 35.*

Et est auter maner de Brief de Disceit, ou Terre que est *ancient Demesne* est implede per Brief del Roy al *Westminster*, donque le Seignior del Manor avera ceo Brief & reverse touts les former Proceedings & Judgment, come appiert, *Rast. Entr. 100, & 221. 2 R. 3. 1. 11 Hen. 4. 36.*

Discent.

Discent est en deux sorts, ou Lineal ou Collateral. *Lineal Discent* est, quand le Discent est convey en mesme le Line de entire Sanke; come ayel, pere, fits, fits del fits, & issint debassa.

Collateral Discent est dehors en un auter Branch dehault dentier sangue; come la frere del ayel, frere del pere, & issint debassa.

Nota, que si un devie seisie en Fee ou en Taille de Terre en que auter ad droit de enter, & ceo descend a son Heire, riel Discent tollera le Entrie de cestuy que droit avoit de enter, pur ceo que le Heire ad ceux per le Discent de son pere, & issint per act de Ley; & cestuy que droit ad ne puit luy ouster per entrie sur luy, mes est mise de suer son Brief, a demander le Terre solongue le nature de son Title. Veies de ceo *Litt. 3. s. 6. & Stat. 32 Hen. 8. c. 33.*

the Disseisor; yet the shall be adjudged in Possession against the Disseisee but as a Disseisee, in respect of the Disceit. *Co. lib. 5. fol. 35.*

There is another Manner of Writ of Disceit, where Land which is Ancient Demesne, is impleaded by the King's Writ at Westminster, then the Lord of the Manor may have this Writ, and reverse all the former Proceedings and Judgment, as it appears, *Rast. Entr. 100, 221, 2 R. 3. 1. & 11 Hen. 4. 36.*

Discent.

Discent or Descent is in two Sorts, either Lineal or Collateral. *Lineal Discent* is, when a Discent is conveyed in the same Line of the whole Blood; as Grandfather, Father, Son, Son's Son, and so downward.

Collateral Discent is out in another Branch drawn from above of the whole Blood; as Grandfather's Brother, Father's Brother, and so downward.

Note, That if one die seised in Fee or in Tail of Land in which another hath Right to enter, and that descends to his Heir, such Descent shall take away the Entry of him who hath Right to enter, for that the Heir hath it by Discent from his Father, and so by Act of Law; and he that hath Right cannot put him out by entering upon him, but is put to sue his Writ, to demand the Land according to the Nature of his Title. See hercof in *Litt. lib. 3. cap. 6. and Stat. 32 Hen. 8. cap. 33.*

Disclaimer.

Disclaimer is, where the Lord distrains his Tenant, and he sues a Replevin, and the Lord avows the taking, by Reason he holds of him; if the Tenant say, that he disclaims to hold of him, this is called a Disclaimer; and if the Lord thereupon bring a writ of Right for Disclaimer, and it be found against the Tenant, he shall lose his Land. Also if one brings a Præcipe against two others for the Land, and the Tenant disclaims, and saith that he is not thereof Tenant, nor claims any thing therein; then the other shall have the whole Land: But if the Præcipe be brought against one alone, and he disclaims, as aforesaid, the Writ shall abate; yet the Demandant may enter in the Land, and hold it in his rightful Estate, though his Entry was not lawful.

And after the Tenant in an Action brought against him disclaims, he shall not have a Writ of Error against his own Disclaimer, because by it he hath barred himself of his Right to the Land; for the Words of the Disclaimer are, He hath nothing neither claims he to have in the Land; neither at the Day of the bringing of the Original Writ aforesaid, &c. had or claimed, but any thing in the same Land to have he disavows and disclaims: And against this he shall not have Restitution by a Writ of Error. See Co. lib. 8. fol. 62.

Disclaimer.

Disclaimer est, lou le Seignior distreine son Tenant, & il sua Replevin, & le Seignior avowa le prisel, per reason que il tient de luy; si le Tenant dit, que il disclame de tener de luy, cest appelle un Disclaimer, & si le Seign' sur ceo port Brief de Droit sur Disclaimer, & il soit trove encounter le Tenant, il perdra le Terre. Auxy si un port un Præcipe vers deux auters pur Terre, & le Tenant disclame, & dit que il nest de ceo Tenant, ne claime rien en ceo; donques l'auter avera tout le Terre. Mes si le Præcipe soit envers un sole, & il disclame, come avant est dit, le Brief abatera; uncore le Demandant poit enter en le Terre, & ceo tener en son droitural Estate, comment que son Entrée ne fuit loyal.

Et apres que le Tenant en un Action port vers luy disclame, il n'avera Brief de Error encount' son Disclaimer, pur ceo que per son Disclaimer il ad barre luy mesme del droit del Terre; car les parols del Disclaimer sont, *Nihil habet, nec habere clamat in Terra illa nec die impetrationis Brevis Originalis predicti. Et habuit sive clamavit, sed aliquid in Terra illa habere ad vocat & disclamat*: Et encounter ceo il n'avera Restitution per Brief de Error. Vides Co. lib. 8. fol. 62.

Issint si un Seign', en case ou il poir, disclai'm son Seign'orie en Court de Record, son Seign' per ceo est extinct, & le Tenant tiendra del Seign' prochain paramount cestuy que issint disclai'm. *Lit. sect. 146.*

Si Terres sont done al baron & feme en taile ou en fee, & le baron morust, la le feme ne poit devest le Frank-tenement hors de luy per aucun verbal Waver ou Disclai'mer en Pais: Come si devant aucun Entrie fait per luy el dit, que el ousterment waive & disclai'm le dit Estate, & ne unques voile prendre ou accepter de ceo; uncore le Frank-tenement remaine en luy, & el poit ent' quand a luy pleist. Issint un Charter de Feoffment fuit fait a quater, & Seisin fuit deliver a trois en nosme de tous, & apres le Seisin fuit deliver, le quater veignant view le Fait, & dit per parol que il voile aver riens del Terre, ne agrea al Fait, mes disclai'ma: Et fuit adjudge, que cest Disclai'mer per parol en Pais ne devestera le Frank-tenement hors de luy. *Cok. lib. 3. fol. 26.*

Discontinuance.

Discontinuance est, quand un home alien a un autre Terres ou Tenements, & morust, & un autre adroit a mesme les Terres, & ne poit enter en eux per cause de cel Alienation: si come un Abbot alien les Terres de son Meason a un autre en Fee, Fee-

So if a Lord, in case where he may, disclai'ms his Seign'ory in Court of Record, his Seign'ory by this is exting, and the Tenant shall hold of the Lord next above him that so disclai'med. *Lit. sect. 146.*

If Lands be given to the Husband and Wife in Tail or in Fee, and the Husband dies, the Wife cannot devest the Freehold out of her by any verbal Waver or Disclai'mer in the Country: As if before any Entry made by her she saith, that she altogether waives and disclai'ms the said Estate, and will never take nor accept thereof; yet the Freehold remains in her, and she may enter when she pleases. So a Charter of Feoffment was made to four, and Seisin was delivered to three in the Name of all, and after the Seisin was delivered, the fourth coming sees the Deed, and saith by Word that he will have nothing of the Land, nor agree to the Deed, but disclai'ms: And it was adjudged, that this Disclai'mer by Word in the Country shall not devest the Freehold out of him. *Cok. lib. 3. fol. 26.*

Discontinuance.

Discontinuance is, when a Man aliens to another Lands or Tenements, and dies, and another hath Right to the same Lands, and may not enter into them because of this Alienation: As if an Abbot alien the Lands of his House to another in Fee, Fee-tail, or for Life,

Life, or if a Man alien the Lands that he hath in Right of his Wife, or if Tenant in Tail makes, of the Lands given to him and the Heirs of his Body, any Feoffment, Gift in Tail, or Lease for Life, not warranted by the Statute of 32 Hen. 8. by Fine or Livery of Seisin; then such Alienations are called Discontinuances, for such Estates pass always by Livery and Seisin: In these Cases the Successors of the Abbot, or the Woman after the Death of her Husband, or the Issue in Tail after the Death of the Tenant in Tail, and they that have any Remainder or Reversion after the End of the Estate-tail, may not enter, but whereby of them is put to his Action.

And as there is Discontinuance of Possession, as is said before; so also is there Discontinuance of Process or Plea: And this is when the instant is lost, and may not be regained, but by a new Writ to begin the Suit afresh; for to be discontinued and to be put without Day is all one, and nothing else but finally to be dismissed the Court for that Time. West. part 2. tit. Fines, sect. 115. So Crompton, in his Jurisdictions, fol. 131. uses it in these Words; If a Justice-seat be discontinued by the not coming of the Justices, the King may renew it by his Writ.

And if the Justices of any Court do not meet at the Day and Place appointed, then the Cause shall be dis-

taile, ou pur vie, ou si un home alien les Terres que il ad en droit sa feme, ou si Tenant en taile fait, de les Terres done a luy & a ses Heires de son corps, ascun Feoffment, Done en taile, ou Leas pur vie, nient garrant per Statute 32 Hen. 8. per Fine ou Liverie de seisin; donque tiels alienations sont appellee *Discontinuance*, car tiels Estates passent tous foits per Liverie & seisin: En ceux Cases les Successeurs del Abbe, ne la feme apres le mort sa baron, ne le issue en le taile apres le mort le Tenant en le taile, & ceux en Remainder ou Reversion puis le fine del Estate taile, ne poient enter, mes chescun de eux est mise a son Action.

Et sicome la est *Discontinuance de Possession*, come est dit avant; issint auxy la est *Discontinuance de Processe ou Plee*; & ceo est quand le instant est perde, & ne poit estre prise arere, mes per novel Brief a commencer le Suit a novel; car destre *discontinues* & destre mis *sans jour* est tout un, & nient auterment que destre finalement dismis le Cour de cel instant. West. part 2. tit. Fines, sect. 115. Issint Crompton, en son Jurisdictions, fol. 131. ceo use en ceux parolx: Si un Justice-seat soit discontinue per le nient venir des Justices, le Roy poit ceo renuer per son Brief.

Auxy si les Justices de ascun Court ne viendront al jour & lieu appoint, donque le Cause sera dis-

con-

continue tanque al aut' jour, come est en *Coke lib. 1. fol. 38.* *Insint* si home ad un Action en le Court del Marshallsea, & le Roy remove hors del Verge, les Pleas ser-rout *discontinue.* *Cok. lib. 10. fol. 37.*

Veies pluis de ceo en *Littleton lib. 3. cap. 11. & 32 Hen. 8. cap. 28.* que tolle *Discontinuance* per baron seise en droit son feme.

Disgrading.

Disgrading est, quand un nome ayant prise sur luy un Dignity temporal ou Ecclesiastical, est en apres de ceo deprive, soit il Chivaler, Clerk, ou autre home. Pur que si un Clerk soit deliver a son Ordinarie, & ne poit acquit luy mesme de Peche de que il fuit conviet per le Juie, il serra pur ceo *disgraded*; que riens aut' est forsque le Deprivation de luy de ceux Orders que il ad sur luy prise, come Priesthood, Deaconship, ou autrement. *Staundf. Pla. Co. fol. 130, 138.*

Et en mesme le manner la est *Disgrading* un Chivaler, come est avantdit. Veies *Stow. Annal. pag. 685.* Et est digne de observation, que per le Canon ley la sonts deux sorts de *Disgradings*; l'un summarie per parol solement, & laut' solemne per Devestant le partie *disgrade* de ceux Ornaments & Rites que sont les Enseignes de son Order ou Degree. Veies 4 E. 4. 19, 20.

continued unto another Day; as in *Cok. lib. 1. fol. 38.* So if a Ban hath an Action in the Court of the Marshallsea, and the King removes forth of the Verge, the Pleas shall be discontinued. *Cok. lib. 10. fol. 37.*

See more hereof in *Littleton lib. 3. cap. 11. and 32 Hen. 8. cap. 28.* which takes away Discontinuances by the Husband seised in Right of his Wife.

Disgrading.

Disgrading, or *Degrading*, is when a Ban having taken upon him a Dignity temporal or spiritual, is afterwards thereof deprived, be he Knight, Clerk or other. Wherefore if a Clerk be delivered to his Ordinary, and cannot clear himself of the Offence whereof he is convicted by the Jury, he shall be *disgraded* for it; which is nothing else but the Deprivation of him from those Orders he hath taken upon him, as Priesthood, Deaconship, or otherwise. *Staundf. Pl. Cor. fol. 130, 138.*

In like Manner there is *Disgrading* of a Knight, as is aforesaid. See *Stow's Annal. pag. 685.* And it is worthy the Observation, that by the Canon Law there are two kinds of *Disgradings*; the one summarie, by Word only, and the other solemne, by devesting the Party *disgraded* from those Ornaments and Rites which are the Ensigns of his Order or Degree. See 4 E. 4. 19, 20.

Tythe.

Tithe.

Tithes are the tenth Parts of any thing, but properly of those things that increase, which for the most Part belong to Ministers of the Church for their Maintenance; and they are of three sorts, to wit, Predial, Personal, and mixt. Predial Tithes are Tithes that are paid of things that come of the Ground only; as Corn, Hay, Fruits of Trees, and such like.

Personal Tithes are Tithes paid of such Profits as come by the Labour and Industry of a Man's Person; as by Buying and Selling, gains of Merchandise, and of Handicrafts Men, Labourers, and such as work for Hire, as Carpenters, Masons, and such like.

Mixt Tithes are Tithes of Calves, Lambs, Pigs, and such like, that increase partly of the Ground they are fed upon, and partly of the keeping, Industry and Diligence of the Owner. See the Statutes of 3 W. & M. cap. 3. 7 & 8 W. 3. cap. 6. & 11 & 12 W. 3. cap. 16.

Disparagement.

Disparagement is a Shame, Disgrace, or Villany done by the Guardian in Chivalry to his Ward within Age, in Point of his Marriage.

As when the Guardian marries his Ward within the Age of fourteen Years, and within such Time as he cannot consent to Marriage, to a Bond-woman; or to the Daughter of one that dwells in a Borough, which is to be understood such whose Fathers

Dismes.

Dismes sont les Disme parts de aucun chose, mes properment de ceux choses que encrease, queux pur le plus part pertaigne al Ministers de Eglise pur leur maintenance; & ils sont divides en 3 sorts, noismement, *Predial, Personal, & mixt.* *Predial Dismes* sont Dismes que sont paid de choses queux vient de le Terre solement; come Brees. Fene, Fruits del arbres, & tiels semblables.

Personal Dismes sont les Dismes que sont paid de tiels profits que veigne per le Labor & industry del person de un homme; come per Emption & Vendition, gain de Merchandise, & de Manual-crafts homes, Laborers, & tiels que labor' pur salary, come Carpenters, Masons, & tiels semblables.

Mixt Dismes sont les Dismes de Vitels, Agnes, Porcels, & tiels semblables, que encrease partment del Terre sur que ils sont depasture, & partment del garding, industry & diligence del Owner. Veies Stat de 3 W & M cap. 3. 7 & 8 W. 3. cap. 6. & 11 & 12 W. 3. cap. 16.

Disparagement.

Disparagement est un Honte, Disgrace, ou Villanie fait per le Gardeine en Chivalrie a son Gard deins age, per reason de son Marriage.

Come quand l'Gardeine marrie son Ward deins age d' xiv. ans, & deins tiel temps que il ne poit consent al marriage, al un Neife, ou al file de un que demurt en un Borough, que est deslire entend tiels queux peres

pro-

professe Maincrafts, & tiels baser Arts de emption & vendition pur gaine leur viver) ou al un que est decrepit, ou deforme, ou ayant horrible disease. come le Leprosie, les Pocks franks, Falling-sickness, ou tiels semblables, ou marrie luy a un feme que est pas le age de Infanter, & divers tiels aut's; donques, sur le complaint fait per les amies de tiel Heire, l' Seignior ou Gardein perdera le Gardship, & les profits durant le Nonage de le Heire, pur le Disparagement fait a luy. *Veies Litt. lib. 2. cap. 4.*

Disseisin.

Disseisin est, quand un home enter en ascun Terres ou Tenements lou son Entrie nest pas congeable, & ousta ce luy que ad le Franktenement.

Disseisor & Disseisee.

Disseisor est celuy que mist ascun home hors de son Terre sans order le Ley.

Mes le Roy ne serra dit destre un *Disseisor*; & ove ceo est un note en 1 E. 5. fol. 8. que fuit tenus, le Roy ne poit estre dit un que fist tort, car si un voet disseise un aut' al oepe le Roy, lou le Roy nad droit, le Roy ne poit estre dit *Disseisor*.

Disseisee est celuy que est mis hors de son Terre; & si tiel *Disseisee* levie Fine de Terre de que il est disseise al un estrange, le *Disseisor* reteindra le Terre a tous jours, car le *Disseisee* encont' son Fine demesne ne poit claime, & le Conusee ne poit ent', car le droit que le *Disseisee* ad fuit extinct per le Fine, dont l'*Disseisor* prendra advantage: & issint fuit le opinion, *Co. lib. 2. fol. 56.*

professe Handicrafts, and those baser Arts of buying and selling to get their living) or to one that is lame or deform'd, or hath some horrible Disease, as the Leprosie, French-Pox, Falling-sickness, or such like; or marries him to a Woman that is past Child-bearing, and divers such other; then, upon Complaint made by the Friends of such Heir, the Lord or Guardian shall lose the Wardship, and the Profits during the Nonage of the Heir, for the Disparagement done him. *See Lit. lib. 2. cap. 4.*

Disseisin.

Disseisin is when a Man enters into any Lands or Tenements where his Entry is not lawful, and puts him out that hath the Freehold.

Disseisor and Disseisee.

Disseisor is he who puts a Man out of his Land without Order of Law.

But the King cannot be said to be a *Disseisor*; and with this is a Note in 1 E. 5. f. 8. that it was held, the King could not be termed one that did wrong, for if one will disseise another to the Use of the King, where the King hath no Right, the King cannot be said a *Disseisor*.

Disseisee is he that is put out of his Land; and if such *Disseisee* levy a Fine of the Land whereof he is disseised to a Stranger, the *Disseisor* shall keep the Land forever, for the *Disseisee* against his own Fine cannot claim, and the Conusee cannot enter, for the Right which the *Disseisee* had was extinct by the Fine, whereof the *Disseisor* shall take Advantage: and so was the Opinion, *Co. lib. 2. f. 56.*

Distress.

Distress is a Thing taken and distrained upon any Land for Rent behind, or other Duty, or for Hurt done, although the Property of the Thing belongs to a Stranger: But if they are Beasts that belong to a Stranger, it behoves that they were Levant and Touchant upon the same Ground, that is to say, that the Beasts have been upon the Ground a certain Space, that they have themselves well rested there, or else they are not distrainable for Rent or Service.

If one distrain for Rent or other Thing without lawful Cause, then the Party grieved shall have a Replevin, and upon Surety found to pursue his Action, shall have the Distress redelivered. But there are divers Things that are not distrainable, viz another Man's Cow in the House of a Taylor, or Cloth in the House of a Fuller, Sheerman, or Weaver, they being common Artificers, and the common Presumption is, that such Things belong not to the Artificers, but to other Persons who put them there to be wrought.

Wheat is not distrainable, nor Corn in Sheaves, unless they are in a Cart; because a Distress ought to be always of such Things whereof the Sheriff may make Replevin, and deliver again in as good Case as they were at the taking.

A Man may distrain for Homage of his Tenant, for

Distresse.

Distresse est le chose prise & distreine sur aucun Terre pur Rent arere, ou pur autre dutie, ou pur tort fait, coment que le proprietie de chose pertaigne al estranger: mes si sont Avers que pertaigne al estranger, il convient que ils sont levant & couchant sur mesme le Terre, cest adire, que les Avers avoient estre sur le terre per certain space, que ils ont eux bien repose sur la terre, ou autrement ils ne sont distreinaible pur Rent ou Service.

Si un distreine pur Rent ou autre chose sans cause loyal, donques le partie grieve avera un Replevin, & sur Suretie trouve de poursuivre son Action, avera le Distresse redeliver. Mes sont divers choses que ne sont distreinaible, viz. Robe de autre homme en le maison de un Taylour, ou Drape en le maison de un Fuller, Sheerman, ou Weaver, pur ceo que ils sont common Artificers, & le common presumption est, que tiels choses ne sont pertaignont al Artificer, mes al autres persons que eux mectont la a overer.

Viande nest pas distreinaible, ne Bles en sheaves, sinon que ils sont en un Chariot; pur ceo que Distress convient estre tous foits de tiel chose dont le Viscount poit faire Replevin, & redeliver en auxy bone case que il fuit al prisel.

Home poit distreine pur Homage de son Tenant, pur Feakie

Fealty & Escuage, & autres Services, & pur Fines & Amerciements que sont assesse en un Leet, mes nemy en un Court Baron; & pur Damage-feasant, cestascavoir, quand il trove les Beasts ou biens des autres feasant tort, ou incumbant son Terre. Mes home ne poit distreine pur aucun Rent, ou chose due pur aucun Terre, mes sur melme le Terre que est charge oveisque ceo. Et en case lou jeo veigne a distreiner, & l'auter, voyant mon purpose chace les beasts, ou port le chose d'hors, al entent que jeo ne prendra ceo pur un Distresse sur le Terre; donques jeo poy bien pursue; & si jeo prise ceo maintenant en le Hault chemin, ou en aurer soile, le prisel est loyal auxy bien la come sur la Terre charge, a quecunque la propertie des biens sont.

Auxy pur Fines & Amerciements assesse en un Leet, un poit tous foits prendre les biens celuy que est issint amerce, en quecunque soyle que ils sont deins le Jurisdiction del Court, ut dicirur.

Et quand un ad prise un Distresse, il covient luy de amesner ceo al common Pound, ou aurerment il poit garder en overt lieu, issint que il done notice al partie, que il (si le Distresse soit vive avers) poit done a luy viand; & donques si le aver morust pur default de viand, celuy que fuit distreine serra a le perd, & donques l'auter poit distreiner aurer foits pur melme le Rent

fealty and Escuage, and other Services and for Fines and Amerciements which are assessed in a Leet; but not in a Court Baron; and for Damage-feasant, that is, when he finds the Beasts or Goods of any other doing Hurt, or incumbing his Ground. But a Man may not distrain for any Rent, or Thing due for any Land, but upon the same Land that is charged therewith. And in case where I come to distrain, and the other seeing my Purpose, chases the Beasts, or bears the Thing out, to the Intent that I shall not take it for a Distress upon the Ground, then I may well pursue; and if I take it presently in the Highway, or in another's Ground, the taking is lawful as well there as upon the Land charged, to whomsoever the Property of the Goods belongs.

Also for Fines and Amerciements assessed in a Leet, one may always take the Goods of him that is so amerced, in whole Ground soever they be, within the Jurisdiction of the Court, as is said.

Also when one hath taken a Distress, it behoves him to bring it to the common Pound, or else he may keep it in an open Place, so that he give notice to the Party, that he (if the Distress be a quik Beast) may give it Food; and then if the Beast die for want of Food, he that was distrained shall be at the Loss, and the other may distrain again for the same Rent or Duty. But if he

carry

carry the Distress to an Hold, or out of the County, that the Sheriff may not make Deliverance upon the Replevin; then the Party (upon Return of the Sheriff) shall have a Writ of *Withernam* directed to the Sheriff, that he take as many Beasts or as much Goods of the other into his Keeping, till Deliverance be made of the first Distress. And also if they be in a Fortlet or Castle the Sheriff may take with him the Power of the County, and beat down the Castle, as appears by the Statute of West. 1. cap. 17. Wherefore see the Stat. 2 W. & M. cap. 5. If a Man distrain for Rent, and the Tenant after Notice given does not replevy it within five Days, it shall be lawful for him who distrained to sell it, rendering the Overplus to the Owner. Also by this Statute a Man may distrain Sheaves or Cocks of Corn, or Hay in a Barn, or Granary, and detain it until it be replevied within the Time aforesaid, and in Default thereof to sell it, &c.

Distress is also divided into finite and infinite. Finite is that which is limited by Law, how soon shall be made, to bring the Party to Trial of the Action, as on a 1. or twice, Old Nat. Brev. fol. 43. Distress infinite is without Limitation, until the Party comes; as against a Party that refuses to appear upon Certificate of *Assise*, the Process is a *Venire facias*, *Habeas corpora*, and Distress infinite, Old Nat. Brev. fol. 113.

ou durie. Mes si amesaa le Distresse a un Fortlet ou hors del Countie, que le Viscount ne poit bien faire deliverance sur Replevin; donques le partie (sur le Return del Viscount) avera un Brief de *Withernam*, direct al Viscount, que il prendra tant des avers ou tant des biens l'auter en son gard, tanque il ad faic deliverance de le prime Distresse. Auxy si sont en un Fortlet ou Castle, le Viscount poit prender ove luy le Power del Countie, & abate le Castle, come appiert per le Statute de West. 1. cap. 17. *Ideo vide Statut.* Per le Stat. 2 W. & M. cap. 5. Si home distrain pur Rent, & le Tenant puis notice done ne Replevie ceo deins cinque jours, il serra loyal pur ceo que fait le Distress a vender ceo, rendant le overplus al owner. Auxy per cest Statute home poet distrainer Sheaves ou Cocks des Bles ou Fein deins un Barn ou Granary & ceo detainer tanque soit Replevy deins le temps avandit, & pur de fault de ceo, a vender, &c.

Distress est auxi divide en finite & infinite. *Finite* est ceo que est limit per Ley, que tost il serra fait, a traier le partie al trial del Action, come un foits ou deux foits, *Veil Nat. Brev. fol. 43.* *Distress infinite* est sans limitation tanque le partie vient; come vers un Jurie que refuse de appearer sur le Certificate de *Assise*, le proces est un *Venire facias*, *Habeas corpora*, & Distresse infinite. *Veil Nat. Brev. fol. 113.*

Donque

Donque il est divide en le grand Distresse, come Anno 52 H. 3. cap. 7. que Fitzherbert appel en Latine *Magnam Distractionem*, Nat. Brev. 126. a. & un ordinarie Distresse. Un grand Distresse est ceo que est fait de routs les Biens & Chattels que le partie al deins le Countie, Brit. cap. 6. fol. 52. Mes quant an il ne soit aucun foirs tout un ove un Distresse infinite, idem fol. 80. ove que auxy le Statute de Marlbridge semble de agreer, Anno 52 H. 3. cap. 7, 9, & 12. Veies le Veil Nat. Brev. 71. b.

Districus.

Districus est alcun foirs use pur le Circuit ou Territorie deins quel home poit estre compel de appare, Brit. cap. 120. & issint auxy est *Districio* en le Reg. Orig. fol. 6. b.

Distringas.

Distringas est un Brief direct al Viscount, ou alcun autre Officer, luy commandant a *distreiner* un pur un Dett al Roy, &c. ou pur son appearance al un jour. Veies le grand diversite de cest Brief en le Table del Reg. judic. verbo *Distringas*.

Auxy est un Brief ad *distringendum Juratores ad triandum exitum* en un Suit al Common Ley. Auxy est un autre Brief de *distringas Villatas circumjacentes ad levandum sepes & fensas noctanter per ignotos prostrata*. De quel

Then it is divided into the grand Distress, as Anno 52 H. 3. cap. 7. which Fitzherbert calls in Latin *Magnam Distractionem*, Nat. Brev. 126. a. and an ordinary Distress. A grand Distress is that which is made of all the Goods and Chattels which the Party had within the County, Brit. cap. 6. fol. 52. But see whether it be not sometimes all one with Distress infinite, idem. fol. 80. with whom also the Statute of Marlbridge seems to agree, Anno 52 H. 3. cap. 7, 9, & 12. See the Old Nat. Brev. 71. b.

District.

District is sometimes used for the Circuit or Territory within which a Man may be compelled to appear, Brit. cap. 120. and so also is *Districio* in the Reg. Orig. fol. 6. b.

Distringas.

Distringas is a Writ directed to the Sheriff, or any other Officer, commanding him to distrain for a Debt to the King, &c. or for his appearing at a Day. See the great Diversity of this Writ in the Table of the Reg. judic. verbo *Distringas*.

Also there is a Writ to distrain Jurors to try an Issue in a Suit at Common Law. And also another Writ to distrain the adjacent Villages to make good Hedges and Fences thrown down in the Night by unknown Men. Of which see 1 Cro. Rep. fol. 204. &

& int' Reg. & inhabit' de Epworth.

veies 1 Cro. Rep. fol. 204. & int' Reg. & inhabit' de Epworth.

Dittay.

Dittay is a Scotch Word, and has been introduced into our Statute Law, only since the Union of the two Kingdoms. It is a Term of Art, and signifies the Manner of Proceeding against a Criminal in the Court of Justiciary. There is likewise a Brief, or Writ of Dittay, directed from the Justice to the Sheriff, the Form whereof you may see in Skene, de verbor. signific. verbo Iter, where that Author shews at large the Manner of Proceeding by Dittay.

Dividend.

Dividend is a Word used in the Statute of Rutland, Anno 10 E. 1. where it seems to signify one Part of an Indenture. See Anno 28 ejusdem, Stat. 3. cap. 2.

Divorce.

Divorce. See Devorce.

Docket.

Docket is a little Piece of Paper or Parchment, written, that contains in it the Effect of a greater Writing. See the Statute 2 & 3. P. & M. cap. 6. M. West, part 2. tit. Fines, sect. 106. calls it Dogget.

Dittay.

Dittay est un parol Escossois, & ad este introduit dans nostre Estatute Ley solement depuis le Union de les deux Nations. Ceo est Vocabulum Artis, & signifie le manere de proceder contre un criminel en le Court del Justiciary. La est auxi un Brief de Dittay direct del Justice al Viscount, le Forme de que poiez veier en Skene, De Verb. Signif. Verbo Iter, ou cest Auteurs monstre a large la manere de proceder per Dittay.

Dividend.

Dividend est un parol use en le Statute de Rutland, Anno 10 E. 1. ou il semble signifier un part de un Indenture. Veies Anno 28 ejusdem, Stat. 3. cap. 2.

Divorce.

Divorce. Veies Devorce.

Docket.

Docket est un petit quantitie de Paper ou Parchment escrie, que contien en luy l'effect de plus grand Escrip. Veies le Statute de 2 & 3 P. & M. cap. 6. M. West, part 2. tit. Fines, sect. 106. appelle ceo Dogget.

Dog-draw.

Dog-draw est un manifest Deprehension de un Offender envers Venison en le Forrest. La sont quater sorts de ceux note per *Manwood*, part 2. cap 18. num 9. de ses *Forrest Leys*, cestascavoir, *Dog-draw*, *Stable-stand*, *Back-bear*, & *Bloody-hand*. *Dog-draw* est, quand un est trove trahant apres un Dame per le sent de un Brache tient en son maine.

Dogger.

Dogger est un sort de Niese, Anno 31 E. 3. Stat. 3. cap. 1. *Dogger fish*, *ibid.* cap. 2. semble destre Pissons port en ceux Nieses al *Blackney Haven*, &c. *Doggermen*, Anno 2 H 8 c 4.

Dolefish.

Dolefish semble destre ceux Pissons que les Fishermen annualment employ en le North Mere de custome receivont pur lour allowance. Veies le Statute Anno 35 H. 8. cap. 7.

Dominus litis.

EST un advocate en le Civil Ley, que puis le mort de son Client prosecute un suit al sentence pur le use del Executor.

Domo reparanda.

Domo reparanda est un Brief que gist pur un envers son vicine, per le chier de quel Meason il suppose ascun leid voile happer a son meason demesne. Reg. Orig. fol. 123.

Dog-draw.

Dog-draw is an apparent Deprehension of an Offender against Venison in the Forest. There are four kinds of them observed by *Manwood*, part 2. cap. 18. num 9. Of his Forest Laws, that is, *Dog-draw*, *Stable-stand*, *Back-bear*, and *Bloody-hand*. *Dog-draw* is, when one is found drawing after a Deer by the Scent of a Hound led in his Hand.

Dogger.

Dogger is a Kind of Ship, Anno 31 E. 3. Stat. 3. cap. 1. *Dogger-fish*, *ibid.* cap. 2. seems to be fish brought in those Ships to *Blackney Haven*, &c. *Doggermen*, Anno 2 H. 8. cap. 4.

Dolefish.

Dolefish seems to be those fishes which the Fishermen yearly employed in the North Seas do of custom receive for their Allowance. See the Statute Anno 35 H. 8. cap. 7.

Dominus litis.

Is the Advocate in the Civil Law, who after the Death of his Client, prosecutes a Suit to Sentence for the Executor's Use.

Domo reparanda.

Domo reparanda is a Writ that lies for one against his Neighbour, by the Fall of whose House he fears some Hurt will come to his own. Reg. Orig. fol. 123.

Doom.

Doom (from the Saxon Dom) signifies Judgment ; a Word much used in References to Arbitrators.

Dooms-day.

Dooms-day is a Book that was written in the Time of S. Edward the Confessor, as the Author of *Old Nat. Brev.* saith, fol. 15. and before in the Title of Ancient demesne, containing in it not only all the Lands through England, but also all the Names of those in whose Hands they were at that Time when the Book was made. Lambard proves that this Book was made in the Time of William the Conqueror, with whom Cambden in his *Britan.* pag. 94 agrees, proving it out of Ingulphus that flourished the same Time, who touching the Contents thereof hath these Words : It describes the whole Lands ; neither was there one Hide in all England whose Value and Possessor was unknown, nor any Pool or Place not described in the King's Roll, and the Rent, Profits, Possession it self, and Possessor not made known to the King, according to the Fidelity of the Taxers, who described the same Country wherein they were elected. That Roll is called *Rotulus Wint.* and by the English, for its Generality, in that it contains all the Tenements contained throughout the Land, it is surnamed *Dooms day*. And this Book is sometimes called *Liber Judicatorius*, because in it is contained a diligent Description of the Kingdom,

Doom.

Doom (del Saxon Dom) signifies Judgment ; un parol much use en References al Arbitrators.

Dooms-day.

Dooms-day est un Livre que fuit escrie en le temps de S. Edward le Confessor, come le Autheur de *Veil Nat. Brev.* dit, fol. 15 & devant en le title *Ancient demesne*, contenant en ceo non seulement tous les Terres per *Angleterre*, mes auxy tous les noymes de ceux en queux mains ils fueront a cel temps quand le Livre fuit fait. Lambard prova que cest Livre fuit fait en le temps de *Guilielme le Conqueror*, ove que Cambden en son *Britan.* pag. 94. agreea, ceo provant hors de *Ingulphus* que flourie mesme le temps, que touchant les Contents de ceo ad ceux parolx : *Totam Terram descripsit ; nec erat Hida in tota Anglia, quin Valorem ejus & Possessorem scivit, nec Lacus nec locus aliquis quin in Regis Rotulo extitit descriptus, ac ejus Redditus & Proventus, ipsa Possessio & ejus Possessor Regie notitie manifestatus, juxta Taxator' fidem, qui electi de qualibet Patria territorium proprium describebant. Ille Rotulus vocat' est Rotulus Wintonie ; & ab Anglis, pro sua generalitate, quod omnia Tenementa totius Terre continuit, Dooms-day cognominatur. Et cest Livre est alcun foiz appel *Liber Judicatorius*, quia in eo Regni Descriptio diligens continetur, & tam de tempore Regis*

Edwardi, *quam de tempore Regis Gulielmi, sub quo factus est, singulorum fundorum valentia exprimitur.*

and it expresse the Value of all the Ground thereof, as well in the Time of King Edward, as in the Time of King William, under whom it was compiled.

Doomsmen.

SEmble destre Suitors en le Court de un Mannor en Auncient Demesne, queux sont Judges la.

Doomsmen.

SEem to be Suitors in a Court of a Manor in Auncient Demesne, who are Judges there.

Donative.

DOnative est un Beneficce merement done & collate per le Patron al un home, sans ou Presentation al, ou Institution per le Ordinarie, ou Induction per son Commandment, Fitz. Nat. Brev. 35. e Veies le Statute de 8 R. 2 cap. 4. Peter Gregory de Beneficiis, cap. 11. num. 1. ad ceux parols: *Si tamen Capella fundata per Laicos non fuerint a Diocesano approbata, & ut loquuntur, spiritualizata, non consentur Beneficia, nec ab Episcopo conferri possunt, sed sunt sub pia dispositione Fundatoris.* Pur que les Founders & leur Heires poient doner tiels Chappel, s'ils voilont, sans le Evesque.

Donative.

DOnative is a Benefice merely given and collated by the Patron to a Man, without either Presentation, or Institution by the Ordinarie, or Induction by his Commandment, Fitz. Nat. Brev. 35. e. See the Statute of 8 R. 2. cap. 4. Peter Gregory de Beneficiis, cap. 11. num. 1. hath these Words: But if Chapels founded by Laymen were not approved of by the Diocesan, and, as they term it, spiritualized, they are not accounted Benefices, neither can they be conferred by the Bishop, but remain to the pious Disposition of the Founders. Wherefore the Founders and their Heirs may give such Chapels, if they will, without the Bishop.

M. Gwyn, en le Preface a ses Lectures, dit, Que le Roy puit de veiel temps founder un frank Chappel, & ceo exempter del Jurisdiction del Diocesan: Issint auxy il puit per ses Letters Patents doner congee a un common Person de founder tiel Chappel, & de ordeigner que il serra

M. Gwyn, in the Preface to his Readings, saith, That the King might of ancient Time found a free Chapel, and exempt it from the Jurisdiction of the Diocesan: So also he may by his Letters Patents give License to a common Person to found such a Chapel, and to ordain that it shall be Donative

tive, and not Presentable, and that the Chaplain shall be depriable by the Founder or his Heirs, and not by the Bishop: And this seems to be the Original of Donatives in England. Fitzherbert saith, fol. 33. c. that there are some Chauntries which a Man may give by his Letters Patents.

And all Bishopricks were of the Foundation of the Kings of England, and therefore in the ancient Time they were Donative, and given by the Kings; yet now the Bishopricks are become, by the Grants of the Kings, eligible by their Chapter. Coke, lib. 3. fol. 76.

Donor and Donee.

Donor is he who gives Lands or Tenements to another in Tail; and he to whom the same is given is called Donee.

Dorture.

Dorture is a common Room, Place, or Chamber, where all the Religious of one Convent sleep, and lay all Night, Anno 25 H. 8. cap. 11.

Double Plea.

Double Plea is, where the Defendant or Tenant in any Action pleads a Plea in which two Matters are comprehended, and each one by it self is a sufficient Bar or Answer to the Action, then such Double Plea shall not be admitted for a Plea, except one depend upon another; and in such Case if he may not

Donative, & nient Presentable, & que le Chapleine serra depriable per le Founder ou ses Heirs, & nemy per le Evesque: Et ceo semble destre le Original de Donatives en Angleterre. Fitzherbert dit, fol. 33. c. que la sont aucuns Chauntries que home poit doner per ses Letters Patents.

Et tous Evesqueries fueront del Foundation de Roys de Angleterre, & pur ceo en ancien temps ils fueront Donative, & dones per les Roys; uncore jammes l'Evesqueries sont deveigne, per les Grants del Roys, eligible per leur Chapter. Coke, lib. 3. fol. 76.

Donor & Donee.

Donor est celuy que done Terres ou Tenements al autre en Taile; & celuy a que il est done est appelle Donee.

Dorture.

Dorture est un common Roome, Lieu, ou Chambre, lou tous les Religieux de un Convent dormont, & giseront tout le Nuit. Anno 25 H. 8. cap. 11.

Double Plee.

Double Plee est, lou le Defendant ou Tenant en aucun Action plede un Plee en que deux matters sont comprehendus, & chescun per luy mesme est un sufficient Barre ou Respons al Action, donques tiel Double Plee ne serra admit pur Plee, sinon que un depend sur l'autre; & en tiel case si, il ne

poit aver le darraine Plee have the last Plea without the
sans le primer Plee, don- first, then such a double Plea
ques tiel double Plee ferra shall be well received.
bien receive.

*Double Quarrel, ou
Querele.*

Double Quarrel.

Double Quarrel est un Com-
plaint fait per asc' Clerk
ou auter al Archievesque del
Province envers ascun in-
ferior Ordinarie pur delaier
de Justice en ascun Cause
Ecclesiastical, come a doner
sentence, ou de institute un
Clerk presentus, ou tiels sem-
blables : l'eff'ct de que est, que
l'Archievesque, prestant con-
nuissance de tiel Delay, directas
ses Letters south son Seale au-
tentique a tout & singular
Clerks de son Province, per ceux
eux commandant & donant
eux autoritie & chesc' de eux,
de admonisher le dit Ordinarie
deins neufe jours a faire le
Justice demand, ou auterment
de citer luy de appearer de-
vant luy ou son Official al un
jour en les dits Letters pre-
fixe, & la de alledger le mei-
stre de son Delay, & dernier-
ment de intimat' al dit Ord-
inarie, que sil ne performa pas
le chose enjoinne, ne apparust
al jour assigne, il luy mesme
sans auter Delay procederoit
de performer le Justice re-
quire. Et ceo semble destre
terme un *Double Querele*, pur
ceo que est pluis commune-
ment fait envers le Judge, &
celuy a que petition Justice
est delay.

Dower.

Dower (*Dos & Dotarium.*)
Le primer proprement
signify ceo que la feme port

Double Quarrel is a Com-
plaint made by any Clerk
or other to the Archbishop of
the Province, against any in-
ferior Ordinary, for delaying
Justice in any Cause Ecclesi-
astical; as to give Sentence,
or to institute a Clerk presen-
ted, or such like; the Effect of
which is, That the Archbishop,
taking Knowledge of such De-
lay, directs his Letters under
his authentical Seal to all and
singular Clerks of his Pro-
vince, thereby commanding and
giving Authority to them and
every of them, to admonish
the said Ordinary within nine
Days to do the Justice requir-
ed, or otherwise to cite him
to appear before him or his
Official at a Day in the said
Letters prefixed, and there to
alledge the Cause of his De-
lay; and lastly, to intimate
to the said Ordinary, that if
he performs not the thing
injoined, nor appears at the
Day assigned, he himself with-
out other Delay will proceed
to perform the Justice requir-
ed. And it seems to be called
a Double Quarrel, because it
is most commonly made as-
gainst the Judge, and him at
whose Request Justice is de-
layed.

Dower.

Dower (*Dos & Dotarium.*)
The first properly signifies
that which the wife brings to
her

her Husband in Marriage, or
 therwise called *Marritagium*, or
Marriage-Goods. The other
Dotarium, or such a Portion of
 Lands or Tenements which she
 hath for her Life, if she survive
 him. *Glanv. lib. 7. cap. 1. Bract. lib. 2. cap. 38. Brit. cap. 31.* And
 of this there are five sorts.
 1. *Dower per Communem Legem.*
 2. *Per Consuetudinem.* 3. *Ex*
assensu Patris. 4. *Ad ostium Ec-*
clesiæ. 5. *De la plus beale.*

Dower, by the Law of the
 Realm, is a Portion which
 a Widow hath of the Lands
 of her Husband, which by the
 Common Law is the third
 part; but by her Husband's
 Assignment, by his Father's As-
 sent, at the Church-door, she
 may have so much of his Fa-
 ther's Land as is so assigned,
 and so of the Husband's Assign-
 ment of Part of his own Land.
 And Dower, by the Custom of
 some Places, is to have half
 the Husband's Land. Dower
 is also a Writ that lies where
 a Man is sole seised, during
 the Coverture between him and
 his Wife, of Lands or Tene-
 ments in Fee-simple or Fee-
 tail, where by Possibility the
 Issue between them may in-
 herit; if such a Man die, his
 Wife shall recover the third
 Part of all the Lands whereof
 the Husband was sole seised
 any Time during the Cover-
 ture, by a Writ of Dower unde
nihil habet, though he died not
 seised, and though he made Ali-
 enation thereof in his Life.

But if a Man, before the
 Statute of Uses, 27 Hen. 8.
 had Lands in which another
 Man, or other Men, were sei-

a sa baron en Marriage, au-
 terment appelle *Marritagium*,
 ou Marriage-biens. Le aut'
Dotarium, ou tiel portion de
 Terres ou Tenements que
 el avoit pur term de sa vie,
 si el luy surviveray. *Glanv. lib. 7. cap. 1. Bract. lib. 2. cap. 38. Brit. cap. 31.* Et de
 ceo ils sont cinque sorts.
 1. *Dower per Communem Le-*
gem. 2. *Per Consuetudinem.* 3.
Ex assensu Patris 4. *Ad ostium*
Ecclesiæ. 5. *De la plus beale.*

Dower, per le Ley del
 Realme, est un Portion que
 Feme ad del Terres del ba-
 ron, quel per Common Ley est
 le tierce part; mes per assigne-
 ment del baron per assent
 son pere al huis del Esglise,
 poit aver tant del Terre son
 pere come est issint assigne,
 & issint del assignment son
 baron de part son Terre
 demefne. Et Dower, per Cu-
 stome de ascun lieux, est de
 aver le moietie del Terre
 le baron. Dower est auxy
 un Brief que gist lou home
 est sole seisie, durant le
 Coverture perenter luy &
 sa feme, de Terres ou Te-
 nements en Fee-simple ou
 Fee-taile, lou per possibilitie
 le issue enter eux poyont in-
 heriter; si tiel home devie, sa
 feme recouvrera le tierce part
 de tous les Terres dont le
 baron fuit sole seisie ascun
 temps durant le Coverture,
 per Brief de Dower unde
nihil habet, mesque il ne mo-
 rust seisie, & mesque il ad
 fait Alienation de ceo en
 sa vie.

Mes si home devant le
 Statute de Uses, 27 Hen. 8.
 ad Terres en queux auter
 home ou auters homes fue
 T 4 ront

ront seifies a son oeps tous foits durant le Coverture, & cestuy a que oeps ils fueront seifies devie devant le dit Statute, sa feme ne seroit endow.

Et auxy si devant le dit Statute deux homes sont seifies de Terres al oeps de un de eux, & cestuy a que oeps, &c. devie devant le dit Statute, sa feme ne serra endowe. Auxy si feme port Brief de Dower, el recoversa Dammages pur le profit incurrus apres le mort sa baron, sil morust de ceo seifie: mes si ascun Alienation ou Estate soit fait durant le Coverture, issint que le baron ne morust seifie; doncque mesque el recoversa la Terre, uncore el ne recoversa Dammages.

Auxy il est un auter Brief de Dower appel *Brief de Droit de Dower*, que gist lou feme ad recover part de sa Dower en mesme le Ville, & auter part el est a recover. Mes en divers cases feme navera Dower; sicome le baron fait Treason, pur que il est attaint, doncque sa feme navera Dower.

Et si el elopa de sa baron ovesque un auter home en Advourry, & si el ne soit reconcile a son baron de son bone volunt sans coercion del Esglise, el ne serra endow. Veies *Littleton, lib. 1. cap. 4.*

Et nota, que lou en le Civil Ley *Dower* est ceo que le baron eyt ove sa feme pur le Marriage, de maintenir lour joyned estate; per les

sed to his Use always during the Coverture, and he to whose Use they were seised died before the said Statute, his Wife should not be endowded.

And if before the said Statute, two Men were seised of Lands to the Use of one of them, and he to whose Use, &c. died before the said Statute, his Wife should not be endowded. Also if a Woman bring a Writ of Dower, she should recover Damages for the Profits run after the Death of her Husband, if he died seised thereof; but if any Alienation or Estate were made during the Coverture, so that the Husband died not seised; then though she should recover the Land, yet she should recover no Damages.

Also there is another Writ of Dower called a Writ of Right of Dower, which lies where a Woman hath recovered Part of her Dower in one Town, and the other Part she is to recover. But in divers Cases a Woman shall not have Dower; as, if the Husband commit Treason, for which he is attainted, then his Wife shall have no Dower.

And if she elope from her Husband with another Man in Adultery, and be not reconciled to him of her own Will, without Coercion of the Church, she shall not be endowded. See *Littleton, lib. 1. cap. 4.*

And note, where in the Civil Law Dower is that which the Husband hath with his Wife in Marriage, to maintain the married Estate; by the

the Lawes of this Realm the Word (Dower) signifies such Portion as the Wife after her Husband's Death shall have to Life on.

Leys del Realm per le parol (Dower) est intende le Portion que le feme puis le mort del baron avera pur sa viver.

Dozeine.

Dozeine.

Dozeine. See Deciners.

Dozeine. Veies Deciners.

Drie Exchange.

Drie Exchange.

Drie Exchange (Anno 3 H. 7. cap. 5.) seems to be a subtil Term invented to disguise Usury, in which something is pretended to pass on both Sides, whereas in Truth nothing passes on the one Side.

Drie Exchange, (Anno 3 H. 7. cap. 5.) semble estre un subtil terme invente a disguiser Usury, en quel quelque chose est pretendu a passer en ambideux parties, lou en veritie rien passa sur l'un partie.

Drift of the Forest.

Drift del Forrest.

Drift of the Forest is nothing else but an exact View or Examination taken once, twice, or oftner in a Year, as occasion shall require, what Beasts there are in the Forest, to the End that the Common in the Forest be not over-charged, that the Beasts of Foreigners that have no Common there be not permitted, and that Beasts not commonable may be put out. See for this the Statute of 32 H. 8. cap. 35. and Manwood's Forest Laws. cap. 15.

Drift del Forrest nest riens forsque un exact View & Examination prise un foits, deux foits, ou pluis foits en un an, come occasion require, queux Avers sont deins le Forrest, al intent que le Common en le Forrest ne soit surcharge, que les Avers des Forreiners ne sont permits de commoner la, & que Avers que ne sont commonables poient estre expelle. Veies pur ceo le Statute 32 H. 8. cap. 35. & Manwood's Forrest Leys. cap. 15.

Right.

Droit.

Right is, where one hath a thing that was taken from another wrongfully, as by Disseisin, Discontinuance, or such like; the Challenge or Claim of him that ought to have it is called Right.

Droit est, lou un ad chose que fuit tolle d'auter per tort, come per Disseisin, discontinuance, ou tiels semblables; le Challenge ou Claim de luy que doit aver ceo, est terme Droit.

If a Woman release all her Right to him in Reversion, her Dower is extinct; for when the Right which is the Foun-

Si feme release tout sa Droit a cestuy en Reversion, sa Dower est extinct; car quand le Droit, que est le foun-

foundation & le principal, est release, per consequence le Action, que nest forsque le mean a recover ceo, est auxy release. Per Release de tout Title al Terre, tout son Droit est extinct. Isint quand home ad Title ou per Condition, ou per Alienation en Mortmain, le Release de tout son Droit extingtera cest Title. *Coke, lib. 8. fol. 151, 153.*

Droit de Entrie.

D*roit de Entrie* est, quand un seisie de Terre en fee est de ceo disseisie; ore le Disseisie ad *Droit de Entrie* en le Terre, & poit quand il voile, ou il poit aver Brief de Droit envers le Disseisor.

Duces tecum.

D*uces tecum* est un Brief hors del Chancery, commandant home pur appeare la, & de porter ove luy ascun piece de Evidence, ou auter chose que le Court voiloit veir.

Dum fuit infra Etatem.

D*UM fuit infra Etatem* est un Brief que gist lou Enfant alien son Terre en Fee-simple, ou pur terme de vie; quand il vient a son pleine age il avera cest Brief, ou il puit enter sil voile, mes il covient que il soit de pleine age jour de son Brief purchase. Auxy si Enfant alien son Terre, & devie, son issue a son pleine age avera cest Brief, ou poit enter; mes le issue navera ceo deins son age.

dation and Principal, is released, by Consequence the Action, which is but the Means to recover, is also released. By Release of all Title to the Land, all his Right is extinct. So when a Man hath Title, either by Condition, or by Alienation in Mortmain, the Release of all his Right shall extinguish this Title. *Coke, lib. 8. fol. 151, 153.*

Right of Entry.

Right of Entry is, when one seised of Land, in Fee is thereof disseised; now the Disseisee hath Right to enter into the Land, and may so do when he will, or else may have a Writ of Right against the Disseisor.

Duces tecum.

D*uces tecum* is a Writ out of the Chancery, commanding a Man to appear there, and to bring with him some piece of Evidence, or other thing that the Court would have a Sight of.

Dum fuit infra Etatem.

D*UM fuit infra Etatem* is a Writ that lies where an Infant aliens his Land in Fee-simple, or for Term of Life; when he comes to his full Age he shall have this Writ, or he may enter if he will, but he must be of full Age the Day of his Writ brought. Also if an Infant alien his Land, and die, his Issue at his full Age shall have this Writ, or he may enter; but the Issue shall not have this Writ within his Age.

Dum

Dum non fuit compos
mentis

DUM non fuit compos mentis is a Writ that lies when a Man that is out of his wit, viz. Mad or Lunatick, aliens his Land in Fee-simple, and dies; then his Heir after his decease shall have this Writ; but he himself shall not have it, for that a Man shall not be received to disable himself. Also this Writ may be made in the Per, Cui, and Post.

Duplicat.

Duplicat is a Second Letters Patents granted by the Lord Chancellor, in case where he hath granted the same before; and therefore they are held void by Crompton in his Jurisdic. of Courts, fol. 215.

Dureffe.

Dureffe is, where one is kept in Prison, or restrained from his Liberty, contrary to the Order of Law, or threatned to be killed, maimed, or greatly beaten; and if such Person so in Prison, or in fear of such Threatnings, make any Specialty or Obligation by reason of such Imprisonment, such a Deed is void in Law; and in an Action brought upon such a Specialty, he may say, it was made by Dureffe of Imprisonment. But if a Man be arrested upon an Action at the Suit of another though the cause of Action be not good nor true, if he make an Obligation to a Stranger, being in Prison by such Arrest, yet it shall not be said by Dureffe. But if he make an Obligation to him

Dum non fuit compos
mentis.

DUM non fuit compos mentis est un Brief que gist lou home que est hors de son bone memory, cest adire, Insane ou Lunatick, alien ses Terres en Fee-simple, & devie; donques son Heire apres son decease avera cest Brief, mes il mesme navera cest Brief, pur ceo que home ne serra receive a disable luy mesme. Auxy cest Brief puit este fait en le Per, Cui, & Post.

Duplicat.

Duplicat est un Second Letters Patents grantus per le Seignior Chancellor, en case lou il ad grant le mesme devant; & pur ceo sont tenus voyds per Crompton en son Jurisdic. des Courts, fol. 215.

Dureffe.

Dureffe est, lou un home est garde en Prison, ou restraine de son Libertie, contrarie al order de Ley, ou menasse de stre, occide, mayheme, ou grandement batue: & si tiel person issint en Prison, ou pavor pur tiel Menasse, fait ascun Especialty ou Obligation per reason del tiel Imprisonment, tiel Fait est voide en le Ley; & en Action port sur tiel Especialty poit dire, que il fuit fait per Dureffe de son Imprisonment. Mes si home soit arrest sur ascun Action al Suit d'un autre, mesque le cause del Action ne soit bone ne voier, sil fait ascun obligation al un Estrange estant en Prison per tiel Arrest, uncore il ne serra dit per Dureffe. Mes sil fait Obligation a luy a que

que Suit il fuit arrest, de-
stre discharge de tiel Im-
prisonment, donques il serra
dit Dureffe.

at whose Suit he was ar-
rested, to be discharged of such
Imprisonment, then it shall be
said Dureffe.

Duchy.

EST un Court en le Duchy
Chamber de Lancaster a
Westminster, devant le Chancel-
lor del Duchy de Lancaster pur
matters concernant les Terres,
& Franchises del Duchy, &
leur procedure est per English
Bill come en Chancery. *Coke*
4 Inst. 204.

Dutchy.

IS a Court in the Dutchy
Chamber of Lancaster at
Westminster, before the Chancel-
lor of the Dutchy of Lancaster, for
matters concerning the Lands
and Franchises of the Dutchy;
and their Proceedings are by
English Bill as in Chancery.
Coke 4 Inst. 204.

E.

Ealderman.

E Alderman enter les Sax-
ons fust tant come
Count enter les Danes,
Camb. Brit. pag. 107. Et a
cest jour nous appellomus
ceux Aldermen, que sont As-
sociates al prime Officer en
le Common Council del
Ville, 34 H. 8. cap. 13. Et
en ascun lieus le prime Of-
ficer luy mesme est appel
Alderman.

Earle.

Earle. Veies Countee.

Easement.

Easement est un Immunitie
que un vicine ad d'un
auter, per Charter ou Pre-
scription, sans profit; come
un voy ou un Chanel per son
Terre, ou tiels semblables.
Kitch. f. 105.

E.

Ealderman.

E Alderman among the Sax-
ons was as much as Earl
among the Danes, *Camb.*
Brit. pag. 107. And at this day
we call them Aldermen, who are
Associates to the Chief Officer
in the Common Council of the
Town, 34 H. 8. cap. 13. And in
some places the chief Officer
himself is called Alderman.

Earl.

Earle. See Countee.

Easement.

Easement is a Privilege that
one Neighbour hath of a-
nother, by Writing or Prescrip-
tion, without profit; as a Way
or Sink through his Land, or
such like. *Kitch. f. 105.*

Egyptians,

Egyptians.

Egyptians, commonly called Gypsies, are counterfeit Rogues, Welsh or English, that disguise themselves in Speech and Apparel, and wander up and down the Country, pretending to have skill in telling fortunes, and to deceive the common people, but live chiefly by filching and Stealing, and therefore the Statutes of 1 & 2 Mar. cap. 4. & 5 Eliz. cap. 20. were made to punish such as felons, if they departed not the Realm, or continued so a Month.

Ejectione firmæ.

Ejectione firmæ. Look for that in the Title Quare ejecit infra terminum.

Ejectment de Gard.

Ejectment de Gard. See that in the Title Garde.

Eigne.

Eigne is a French word, and signifies the Eldest or first-born. See Enitia pars.

Einecia.

Einecia signifies Eldership, Statute of Ireland, Anno 14 Hen. 3. See Enitia pars.

Eire Justices.

Eire Justices, or Itinerant, as we call them, were Justices that used to ride from place to place throughout the Realm, to administer Justice.

And these Justices had authority in ancient times to grant Land that was seized for

Egyptians.

Egyptians, vulgarit' vocati Gypsii, sont counterfeit Vagabonds, Wallois ou Anglois, que eux mesmes disguise en roabes & Language, & vagueront per le Pais, pretendant daver science en Palmestry, & issint deceive le vulgar, mes vivent principalement per embler & embeasiler des biens; & pur ceo le Statutes 1 & 2 Mar. cap. 4. & 5 Eliz. cap. 20. fueront faits pur le punishment de tiels persons come Felons, s'ils ne departont le Realm, ou issint continue per un moys.

Ejectione firmæ.

Ejectione firmæ Vide de ceo en le Title Quare ejecit infra terminum.

Ejectment de Gard.

Ejectment de Gard. Veies de ceo en le Title Garde.

Eigne.

Eigne est un parol Francois & signifie le Eldest ou Primer nec. Veies Enitia pars.

Einecia.

Einecia signifie Primogeniture ou Eldership, Stat. de Hib. Anno 14 Hen. 3. Veies Enitia pars.

Eire Justices.

Eire Justices, ou Itinerant, come nous appel' eux, fueront Justices que use de equitare de lieu al lieu per tout le Realm, pur administer Justice.

Et ceux Justices avoyent authoritie en ancien temps a granter Terre que fuit seise per

pur le Roy pur Alienation sans Licence; car adonques Justices en Eire puïssoyent aver graunt tiel Terre en fee, rendant Rent, come Justices del Forrest (que en effect, quant a cest purpose, sont Justices en Eire) a cest jour poyent de Terres enclose deins un Forest, sans conge le Roy. *Co. lib. 2. fol. 80.*

Electiōe.

Electiō est quant home est laïse a son Frank arbitrement demesne, de prender ou faire un chose ou auter, que il voile. Come si *A.* covenant de payer al *B.* un liver de Pepper ou Saffron devant Pentecost, est al *Electiō* de *A.* tout temps devant Pentecost, que de eux il voile payer; mes sil ne ceo paya devant le dit Feast, donque enapres est al *Electiō* de *B.* pur aver son Action pur quel a luy pleist. *Dyer, fol. 18. pl. 104.*

Isint si home done a un aut' son Chival ou Vache, le Donee poit prender le un ou le aut' a son *Electiō*: Mes si soit que il *doners*, en le future temps, la le Donee ne poit prender le un ou l'auter, car donque le *Electiō* est en le Donor. *21 Hen. 7. 19.*

Auxy si un Justice de Peace direct son Garrant a un Constable a demesne le party attach devant luy ou aut' Justice, est al *Electiō* del Constable de aler a quel Justice que a luy pleist, *Cok. lib. 5. fol. 59.* Et en mesme le manner est en plusors auters cases.

the King for Alienation without Licence; for then Justices in Eire might have granted such Land in Fee, rendering Rent, as Justices of the Forest (which in effect, as to this purpose, are Justices in Eire) at this day may of Lands inclosed within a Forest, without the King's Licence, *Cok. lib. 2. fol. 80.*

Election.

Election is, when a Man is left to his own Free-will, to take or do one thing or another, which he pleases: As if *A.* Covenants to pay *B.* a pound of Pepper or Saffron before Whitsontide, it is at the Election of *A.* at all times before Whitsontide, which of them he will pay; but if he pays it not before the said Feast, then afterward it is at the Election of *B.* to have his Action for which he pleases. *Dyer, fol. 18. pl. 104.*

So if a Man gives to another his Horse or Cow, the Donee may take the one or the other at his Election: But if it be that he will give, in the future tense, then the Donee cannot take the one nor other, for then the Election is in the Donor. *21 Hen. 7. 19.*

Also if a Justice of Peace direct his Warrant to a Constable, to bring the Party apprehended before him or another Justice, it is in the Election of the Constable to go to what Justice he pleases, *Coke lib. 5. fol. 59.* And so in many other cases.

Elegit.

Elegit.

TO hold by Elegit is, where a Man hath recovered Debt or Damage by a Writ against another by Confession, or in other manner, he shall have within the year against him a Writ judicial, called Elegit, to have Execution of the half of all his Lands and Chattels, (except Wren and Beasts of the Plow) till the Debt and Damages be wholly levied and paid him; and during this Term he is Tenant by Elegit.

If he be put out within the Term, he shall have Assise of Novel Disseisin, and after a Redisseisin, if need be; and this is given by the Statute of Westm. 2. cap. 18.

And by the Equity of the said Statute, he that hath this Estate, if he be put out, shall have Assise and Redisseisin, if need be. And also if he make his Executors, and die, and his Executors enter, and after are put out, they shall have such Action as he himself. But if he be put out, and after make Executors, and die, his Executors may enter; and, if they be stopped of their Entry, they shall have a Writ of Trespass upon their Case.

If he do Waste in all the Land, or parcel, the other shall have against him immediately a Writ judicial out of the first Record, called Venire facias ad computandum, by which it shall be enquired if he have levied all the Money, or parcel; and if he have not levied the Money, then it shall be enquire to how much the Waste amounts; and if the

Elegit.

TENER per Elegit est, l'ou home ad recover Det ou Dammage per Brief devers un auter per confession, ou en aut' manner, il avera deins le an devers luy un Brief judicial, noisme Elegit, de aver Execution de moietie de tous ses Terres & Chattels, (except Boefs & Avers a la carue) tanque le Det ou Dammages foyent ousterment levies ou pays a luy; & durant cest Terme il est Tenant per Elegit.

Sil soit ousta deins le t'me, avera Assise de Novel Disseisin, & apres un Redisseisin, si besoigne soit; & cest done per le Statute de West. 2. cap. 18.

Et per le equitie de mesme le Statute, celuy que ad cest Estate, sil soit ousta, avera assise & Redisseisin, si besoigne soit. Et auxy sil face ses Executors, & devie, & ses Executors entrent, & puis soient oustes, ils averont tiel Action come luy mesme. Mes sil soit ouste, & puis fait ses Executors, & devie, ses Executors purront enter; & sils soient estoppes de leur Entrie, ils averont un Brief de Trespass sur leur Case.

Sil face Waste en tout le Terre, ou en parcel, l'auter avera envers luy maintenant un Brief judicial hors de le primer Recorde, appelle Venire facias ad computandum, per force de quel serra inquisite sil ad levie tous les deniers, ou parcel; & sil nad levie les deniers, donques serra inquisite a quant le Waste amount; & si le Waste

Waste amount si non a parcel, donques tant des deniers que le Waste amoupte ferra abridge de les suisdits deniers queux fueront deslire levies. Mes sil ad fait plus Waste que l'avandit somme de argent que fuit estre levie amount, l'auter ferra discharge maintenant de touts les deniers suisdits, & recovers la Terre. Et pur la superfluitie de Waste fait ouster le dit somme, il recovers ses damages single. Mesme le Ley est de les Executors, & de cestuy que ad son Estate.

Ou si le Detor soit satisfie per foder de Coals, Lead, Tyn, ou auters casual profits.

Vide Stat. 32 H. 8. cap. 5. Si touts les terres extend sont evict del Detor per mieulx title, il poit prender novel Execution. Co. 4. Rep. 66.

Sil alien en fee, ou a terme de vie, ou en taile, tout le Terre ou parcel de le Terre que il tient per *Elegit*, si le Alienation soit fait deins le terme ou apres, cestuy que ad droit avera vers lay un Assise de *Novel Disseisin*. Et covient que ils soient mis en l'Assise ambideux, auxy bien l'Alienor come l'Alienee: & non obstant que le Alienour devie maintenant, uncore cestuy que ad droit avera vers le Alienee sole Assise, come sil uest este son simple Tenant. Et c'est per l'equitie del Stat. *Westm. 2. cap. 25.* pur ceo que il ad forsque Chattel en effect. Et mesme le Ley est de ses Executors,

Waste amount but to parcel, then as much of the Money as the Waste amounts unto shall be abridged of the aforesaid Money which was to be levied. But if he have done more Waste then the aforesaid Sum of Money which was to be levied amounts to, the other shall be discharged forthwith of all the said Money, and shall recover the Land. And for the superfluitie of the Waste made above the said Sum, he shall recover his Damages single. The same Law is of his Executors, and of him that hath his Estate.

Or if the Debtor be satisfied by digging Coals, Lead, Tin, or other casual profits,

See the Statute of 32 Hen. 8. cap. 5. If all the Lands extended be evicted from the Debtor by a better Title, he may take a new Execution. Co. 4 Rep. 66.

If he alien in fee, for Term of Life, or in Tail, all or parcel of the Land which he holds by *Elegit*, if the Alienation be made within the Term or after, he who hath right shall have against him an Assise of *Novel Disseisin*. And they both must be put in the Assise, the Alienor and the Alienee: And though the Alienor die presently, yet he who hath right shall have Assise against the Alienee alone, as if the Alienee had been a plain Tenant for term of Years. And that is by the equity of the Statute of *Westm. 2. cap. 25.* for that he hath but a Chattel in effect. And the same Law

is of his Executors, and of him who hath his Estate, as is afore said.

In *Elegit*, if the Sheriff return that the Party hath Nothing the Day of the Recognisance made, but that he purchased Lands after the Time, then the Plaintiff shall have a new Writ to have Execution thereof. The same Law is of a Statute-Merchant.

After a *Fieri facias* a Man may have the *Elegit*, but not contrariwise; for that the *Elegit* is of a higher Nature than the *Fieri facias*.

If a Man recover by a Writ of Debt, and sue a *Fieri facias*, and the Sheriff return that the Defendant hath Nothing whereof he may satisfy the Debt to the Party; then the Plaintiff shall have *Elegit*, or *Capias* sicut alias, and a Pluries. And if a Sheriff return at the *Capias*, *Mitto vobis Corpus*, and he have Nothing whereof he may make Satisfaction to the Party, he shall be sent to the Prison of the Fleet, and there abide until he have made Agreement with the Party: And if the Sheriff return *Non est inventus*, then there shall go forth an Exigent against him.

Note well, That in a Writ of Debt brought against a Parson, who hath Nothing of Lay-fee, and the Sheriff returns that he may not be summoned; then shall the Plaintiff sue a Writ to the Bishop, to cause his Clerk to come, and the Bishop shall make him come by Sequestration of the Church.

And if a Man bring a Writ of Debt, and recover, and make his Executors, and die; they

& de cestuy que ad son Estate, come est suidit.

En *Elegit*, si le Viscount retourne que le partie avoit riens jour de la Recognisance fait, mes que il purchase Terres puis le temps; adonques le Plaintiff avera novel Barre de aver Execution de ceo. Mesme le Ley est sur un Statute-Merchant.

Après le *Fieri facias*, un home poit aver le *Elegit*, mes non contre; entant que *Elegit* est de pluis hault nature que le *Fieri facias*.

Si home recover per Brief de Det & sue un *Fieri facias*, & le Viscount return que le Defendant nad riens dont il poit fair Gree a le partie; donques le Plaintiff avera un *Elegit*, ou un *Capias sicut alias*, & *Pluries*. Et si le Viscount retourne a le *Capias*, *Mitto vobis Corpus*, & il nad riens dont il poit faire gree al partie; il serra maund al gaole del Fleet, & illonques demurre ranque il ad fait Gree al partie: Et si le Viscount retourne *Non est inventus*, adonques issira le *Exigent* envers luy.

Nota, Que en Brief de Det port devers parson, que nad rien de Lay-fee, & le Viscount retourne que il nad riens per que il poit estre summoner; adonques le Plaintiff suera Brief al Evesque, que il face vener son Clerk, & le Evesque luy serra vener per Sequestration del Esglise.

Et si home port Brief de Det, & recover, & face ses Executors, & devie; ils

il naveront Execution, non obstant que il soit deins le an, per un *Fieri facias*.

Est un autre sort de *Elegit* sur adjudgant de Execution envers Ter-Tenants, Quel *Elegit* recite les Terres envers queux Execution est adjudge & maund al Viscount a deliver al Creditor un moyety de ceux terres & rien en ceo est mention des biens ou chateaux come en auters *Elegits*.

Elopement.

ELopement est, quand feme espouse departa de son baron ove un Adulterer, & ove le Adulterer demurra, sans voluntarie Reconcilement a sa baron, per ceo el perdra sa Dower, per le Statute de *Westm. 2. cap. 34.* Sur que cest veil Verse.

*Sponse virum mulier fugiens,
& adultera facta,
Dote sua careat, nisi sponso
sponse retracta.*

Emblements.

Emblements sont les Profits de Terre que ad estre semy ; & en ascun Cases cestuy que ceo emblea eux avera, & en ascuns nemy ; come si Tenant pur vie emblea le Terre, & apres morust, les Executors del Tenant pur vie avera les *Emblements* ; & nemy cestuy en Reversion.

Mes si Tenant pur ans emblea le Terre, & devant que il ad sever, son terme expire ; ore le Lessor ou cestuy en Reversion avera les *Emblements*. Si un dis-

shall not have Execution, notwithstanding it be within the Year, by a *Fieri facias*.

There is another sort of *Elegit* upon adjudging Execution against Ter-tenants, which *Elegit* recites the Lands against which Execution is adjudged, and commands the Sheriff to deliver to the Creditor a Moity of those Lands, and Nothing is therein mentioned of any Goods or Chattels as in the other *Elegits*.

Elopement.

ELopement is, when a married Woman departs from her Husband, and dwells with an Adulterer, for which, without voluntary Reconcilement to her Husband, she shall lose her Dower, by the Statute of *West. 2 cap. 34.* Whereupon is this old Verse.

(leaves,
The Woman that her Husband
And with Adult'ry is defil'd,
Her Dower she shall want, unless
She first to him be reconcil'd.

Emblements.

Emblements are the Profits of the Land which have been sowed ; and in some Cases he who sowed them shall have them, and in some not : As if Tenant for Life sow the Land, and afterwards die, the Executors of the Tenant for Life shall have the *Emblements*, and not he in Reversion.

But if Tenant for Years sow the Land, and before that he hath reaped, his Term expires ; there the Lessor or he in Reversion shall have the *Emblements*. If one disseis-

tes me, and cuts the Emblements growing upon the Land, and afterwards I re-enter ; I shall have an Action of Trespasse against him for the Emblements : But if my Disseisor makes a Feoffment in Fee, or leases the Land whereof he disseised me, and the Feoffee or Lessee takes the Emblements, and after I re-enter ; I shall not have Trespasse Vi & Armis against them who come in by Title, but against my Disseisor. Co. lib. 11. fol. 51.

If a Woman Coppholder, during her Widowhood, according to the Custom of the Manor, sows the Land, and before Severance of the Emblements she takes a Husband ; the Lord shall have the Emblements. So if a Woman seised of Land during her Widowhood makes a Lease for Years, and the Lessee sows the Land, and the Woman takes a Husband ; there the Lessee shall not have the Emblements, altho' his Estate be determined by the Act of a Stranger.

And although it is commonly held in our Books, That if a Man leases Lands at Will, and after the Lessee sows the Land, and the Will is determined, that the Lessee shall have the Emblements ; yet if the Lessee himself determines the Will before the Severance of the Corn, he shall not have the Emblements. See Co. lib. 5. fol. 116.

Embracery.

Is the Offence of an Embrazour ; as, to pre-instruct the Jury, &c. is Embrazery. Noy's Rep. fol. 102.

seise moy, & succide les Emblements creffans sur le Terre, & puis jeo re-enter ; jeo avera Action de Trespasse vers luy pur les Emblements : Mes si mon Disseisor fait Feoffment en Fee. ou lessa le Terre dont il moy disseisist, & le Feoffee ou Lessee prist les Emblements, & puis jeo re-enter ; jeo n'avera Trespasse Vi & Armis vers eux queux veignent eins per Title, mes vers mon Disseisor. Co. lib. 11. fol. 51.

Si feme Copiholder, *durante Viduitate sua*, solongue le Custome del Mannor, emblea le Terre, & devant le severance des Emblements el prist baron ; le Seignior avera les Emblements. Issint si feme seisie de Terre *durante Viduitate* fait un Lease pur ans, & le Lessee emblea le Terre, & puis la feme prist baron ; ore le Lessee n'avera les Emblements, coment que son Estate est determine per le act dun estranger.

Et nient obstant que est communement tenus en nostre Livres, Que si home lessa Terres a volunt, & puis le Lessee emblea le Terre, & puis le Volunt est determine, que le Lessee avera les Emblements ; uncore si le Lessee luy mesme determine le Volunt devant le severance des Blees, il n'avera les Emblements. Veies Co. lib. 5. fol. 116.

Embraserie.

EST le Offense de un Embrafour ; come, a pre-instructer le Jurie, &c. est Embraserie. Noy's Rep. fol. 102.

Embrasour, ou Embraceour.

E*mbrafour*, ou *Embraceour*, est celuy que, quand un matter est en trial perenter partie & partie, vient al Barre ove un del parties, (ayant receive ascun Reward pur illint faire) & parle en le case, ou priviment labor le Jurie, ou estoia la pur surveier ou surview eux, per cest meanes de mitter eux en pavor & dont del matter. Mes homes erudite en Ley poient parler en le case pur lour Clients.

Emparlance.

E*mparlance* est, quand home esteant a responder al Action ou Suit, pria ascun temps de Respite, de luy mesme adviser le mieux que respondera : & nest auter forsque Continuance del Cause al un jour ouster.

Et coment le Plaintiff (en Banke le Roy) apres le Barre plede, ad jour de reply deux ou trois Termes apres ; uncore nul mention serra fait en le Rolle de ascun Emparlance ou Continuance, mes le Entry serra generalment, & entend de estre mesme le Terme. Mes auterment est de un Barre, car ceo containe le Imparlance ou Continuance, & est en tiel forme : *Et modo ad hunc diem, scilicet, diem Veneris, &c. isto eodem Termino, usque ad quem diem predictus A. habuit licentiam interloquendi, &c.*

Mes nul tiel Entry est la fait sur ascun Replication ou Replynder. Veies Co. lib. 5. fol. 75.

Embrasor, or Embraceor.

E*mbrafour*, or *Embraceor*, is he that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties (having received some Reward so to do) and speaks in the Case, or privily labours the Jury, or stands there to surbey, or overlook them, thereby to put them in Fear and Doubt of the Matter. But Persons learned in the Law may speak in the Case for their Clients.

Emparlance.

E*mparlance* is, when a Man being to answer to a Suit or Action, desires some Time of Respite, to advise himself the better what he shall answer ; and it is Nothing else but a Continuance of the Cause until a farther Day.

And though the Plaintiff (in the King's Bench) after the Barr pleaded, hath Time to reply two or three Terms after ; yet no Mention shall be made in the Roll of any Emparlance or Continuance, but the Entry shall be general, and so intended to be the same Term. But it is otherwise with a Barr, for it contains the Emparlance or Continuance, and is in this Banner : And now at this Day, that is, Friday, &c. in the same Term, until which Day the aforesaid A. had Licence to im-
parle, &c.

But there is no such Entry upon any Replication or Replynder. See Co. lib. 5. fol. 75.
Brit.

Brit. cap. 53. uses this Word for the Conference of a Jury upon the Business to them committed.

There is a special Imparlance also for a Defendant *salvis sibi omnibus & omnimodis exceptionibus ad breve & narrationem*, or ad billam, which is of Use where the Defendant is to plead some Matters, which cannot be pleaded after a general Imparlance.

Encheson.

ENcheson is a French Word much used in our Law-Books, as in the Statute of 50 E. 3. cap. 3. and it signifies as much as the Occasion, Cause, or Reason, for which any Thing is done. So it is used by Staundford, lib. 1. cap. 12. in his Description of a Deodand.

Encroachment.

ENCroachment comes from the French Word *Acrocher*, that is, to pull or draw to: And it signifies an unlawful Gaining upon the Right or Possession of another. And so a Rent is said to be encroched, when the Lord by Distress or otherwise compels the Tenant to pay more Rent than he ought, or than he owes. See Bucknal's Case, 9 Rep. fol. 33. So when a Man sets his Hedge or his Wall too far into the Land or Ground of his Neighbour that lies next him, he is said to incroach upon him.

Enditement, or Indictment.

INDictment comes of the French *Enditer*, that is, to set a Man out as he is. And it is a Bill or Declaration in Form of Law, exhibited by Way of Accusation against one for some Offence either criminal or penal, and pre-

Brit. cap. 53. *usa cest parol pur le Conference de un Jurie sur le Cause a eux commise.*

Est un special Imparlance auxi pur un Defendant *salvis sibi omnibus & omnimodis exceptionibus ad breve & narrationem*, ou ad billam. Quel est use lou le Defendant doit plede ascun matters queux ne poient estre plede puis general Imparlance.

Encheson.

ENcheson est un parol Francois mult use en les Livres de nostre Ley, come en le Statute 50 E. 3. cap. 3. & signifie tant come Occasion, cause, ou reason pur que ascun chose est fait. Ilint est use per Staundford, lib. 1. cap. 12. en son description de un Deodand.

Encroachment.

ENCroachment venust del parol Francois *Acrocher*, id est, *Apprehendere*: Et signifie un illoyal gainer sur le droit ou possession de un auter. Et ilint Rent est dit estre *encroch*, quand le Seign' per coercion del Distresse ou auterment compel le Tenant pur paier plus Rent que besoigne, ou que doit. Veies Bucknal's Case, 9 Rep. fol. 33. Ilint quand home mist son Hay ou Mure en le terre son vicine que gist prochein a luy, il est dit pur *incrocher* sur luy.

Enditement.

ENDitement venust del Francoise *Enditer*, id est, *Indicare*. Et est un Bill ou Declaration en forme del Ley, exhibit par voy del Accusation vers home pur ascun Offence ou criminal ou penal, & preserre as Jurors.

& per leur Verdict trove & presentus destre voyer devant un Judge ou Officer que ad poyer de punier ou certifier le Offence.

ferred to Jurors, and by their Verdict found and presented to be true befoze a Judge or Officer that hath Power to punish or certify the Offence.

Endowment.

Endowment (*Dotatio*) signifie properment le Doner ou asurer del Dower al feme. Mes est ascun foits use per un Metaphor pur le Mitter hors ou severance de un sufficient part ou portion al un Vicar pur son perpetual maintenance, quand le Benefice est approprié. Et issint est use en les Statutes 15 R. 2. cap. 6. & 4 H. 4. cap. 12.

Endowment de la plus belle part.

Endowment de la, &c. est, quand un home morust seise de ascun Terres tien en Chivalry & de auters en Socage, la Vidue est accommode de son Dower en les Terres tien en Socage, come le *plus belle part*. Veies *Litt. lib. 1. cap. 5.*

Enfranchisement.

Enfranchisement est, quand home est enccorporate en ascun Societie ou Corps politique. Issint si Alien nee soit fait Denison de *Angleterre*, il est dit destre *enfranchise*; & cestuy que est fait un Citizen de *Londres*, ou auter Ville Corporate; pur ceo que il est fait pernour de ceux Franchises queux appent al Corporation en que il est *enfranchise*.

Et quand home est enfranchise en un Citie ou Borough, il ad Frank-tenement en son Freedom pur son vie, & ove auters en leur politique capacite, ad Enheritance en les

Endowment.

Endowment (*Dotatio*) signifies properly the Giving or Assigning of Power to a Woman. But it is sometimes by a Metaphor used for the Setting out or Sebering of a sufficient Part or Portion to a Vicar for his perpetual Maintenance, when the Benefice is appropriated. And so it is used in the Statutes of 15 R. 2. cap. 6. and 4 H. 4. cap. 12.

Endowment de la plus belle part.

Endowment de la, &c. is, when a Woman dies seised of some Lands held in Knights-Service and others in Socage, the Widow is sped of her Dower rather in the Socage-Lands, as the fairest Part. Of this see *Litt. lib. 1. cap. 5.*

Enfranchisement.

Enfranchisement is, when a Man is incorporated into any Society or Body politick. So if an Alien born be made Denison of England, he is said to be enfranchised; and he that is made a Citizen of London, or other Town Corporate; because he is made Partaker of those Liberties which belong to the Corporation whereinto he is enfranchised.

And when a Man is enfranchised into a City or Borough, he hath a Freehold in his Freedom for his Life, and with others in their politick Capacity, hath Inheritance in the Land of the

the said Corporation: wherefore the thing which shall be the cause of his Dis-franchisement ought to be an Act or Deed, and not only an Endeavouring or enterprising, whereof he may repent before it be put in execution. And what shall be sufficient cause to dis-franchise a Free-man, and what not, see *Cok. lib. 11. in Bagg's Case, fol. 98.*

Englesherie.

Englesherie, or Englecerie, is an old word, which signifies the being an Englishman; For in ancient time, as appears by *Bracton lib. 3. Tract. 2. cap. 15. fol. 134.* if a man had been slain or murdered, he was accounted to be Francigena; which word implied every alien, until Englesherie were proved, that is, until it was made manifest that he was an Englishman: The original whereof was this:

Kanutus, the Danish King, having established his Estate here in peace, at the request of our Barons, discharged the Land of his Armies, wherein, he reposed his greatest safety upon this condition, that the Barons would give consent to a Law, That whosoever should kill an Alien, and was apprehended, and could not acquit himself, should be liable to Justice: But if the Man-slayer escaped, the Town where the man was slain should forfeit sixty Marks to the King; and if the Town was not able to pay it, then the Hundred should forfeit and pay this to the King's own Treasury: And farther, that every man murdered should be accounted Francigena, unless Englesherie were proved; and how

Terres del dit Corporation: pur que le matter que serra cause de son Dis-franchisement covient estre un Act ou fait, & nemy Conation ou enterprise, dont il poit repent devant l'Execution de ceo. Et que serra sufficient cause de dis-franchiser un Frank home, & que nemy, veies *Cok. lib. 11. en Bagg's Case, fol. 98.*

Englesherie.

Englesherie, ou Englecerie, est un veil parol, que riens aut' imply forsq; destre un home Anglois: Car en auncient temps, come appiert per *Bracton, lib. 3. Tract. 2. cap. 15. fol. 134.* si un home ad este tue ou murdre il fuit account destre Francigena; quel parol emplia chesc' Alien, jelsque Englesherie fuit prove, ceo est jelsq; il fuit fait manifest que il fuit un home Anglois: Le commencement de quel fuit tiel:

Kanutus, le Roy des Danes, ayant establie son Estate cy en peace, al prier de nostre Barons discharga le Terre de ses Armies, en que il reposa son greinder sasetie, sur cest condition, Que les Barons voient doner consent a un Ley, Que quecunque tuera un Alien, & fuit attache, & ne puit luy mesme acquiter, serroit subject al Justice: Mes si le Homicide escapa, le Ville ou le home fuit occide forfeitera 66. Merques al Roy: & si le Ville ne fuit able de ceo paier, donque le Hundred forfeitera & paiera ceo al Treasure le Roy; & ouster, Que chescun home murdre serroit account Francigena, sinon que Englesherie fuit prove; & coment il serroit prove, veies *Bracton* en mesme

le cap. num. 7. Aux' veies Horn's Mirrour de Justices, l. 1. cap. del Office del Coroner, & Fleta, l. 1. c. 30. Cest Englesherie, pur les abuses & torts que tueront enapres perceve a surde de ceo, fuit tout ousterment abolished per Statute Anno 14 E. 3. c. 4. Veies Coke, l. 7. f. 16. Calvin's Case.

it should be proved, see Bracon in the same cap. num. 7. Also see Horn's Mirrour of Justices, l. 1. cap. Of the Office of Coroners, and Fleta, l. 1. c. 30. This Englesherie, for the abuses and grievances which were afterwards perceived to arise therefrom, was utterly abolished by Stat. An. 14 E. 3. c. 4. See Coke, l. 7. f. 16. Calvin's Case.

Enheritance.

ENheritance Veies Inheritance.

Enitia pars.

ENitia aut Einetia pars, del Francois parol Aisnesse, i. e. dignitas primogeniti, & est ceo Part que, sur Partition enter Coparceners, eschue al eigne Soer ou eigne Coparcener, come appiert per Littleton, sect. 245. Est appelle Enitia pars del parol Francois Eigne ou Aisne, id est, Primogenitus.

Enquest.

ENquest est ceo Inquirie que est fait per Jurors en tous Causes civil ou criminal touchant le matter en Fait. Et tiel Enquest est ascun foits ex officio, queux sont appels Enquests de Office, & sont traversable, & ascun foits ex prece partium. Cest parol est use en les Statutes de 25 E. 3. c. 3. 28 E. 3. c. 13. & fere in tous Statutes queux parlont des Trials per Jurors.

Entendment.

ENTendment est un common parol en notre Ley, quant ascun chose est en aurst, donque per Entendment il ferra ascun foits fait bone. Come si In-

Enheritance.

ENheritance See Inheritance.

The Eldcst part.

ENitia oz Einetia pars from the French Word Aisnesse, i. e. dignitas primogeniti, and is that Part which, upon Partition among Coparceners, falls to the Eldest Sister oz ancientest Coparcener, as it appears by Littleton, sect. 245. And it is called Enitia pars from the French word Eigne oz Aisne, that is, the firstborn.

Enquest.

ENquest is that inquiry which is made by Jurors in all Causes civil oz criminal touching the matter in fact. And such Inquiry is either ex officio, which are called Inquests of Office, and are traversable, oz at the mise of the parties. This word is used in the Statutes of 25 E. 3. c. 3. 28 E. 3. c. 13. and almost in all Statutes that speak of Trials by Jurors.

Entendment

ENTendment is an usual word in our Law, when a thing is in doubt, then by Entendment it shall sometimes be made good. As if an Inquisition be found before

foze a Coroner, that a Man was murdered at A which is a Liberty, and is not said in the Inquisition at A. within the Liberty of A. yet it shall be good by Entendment; for peradventure the Liberty may extend beyond the Town, but that the Town it self shall be presumed to be out of the Liberty of the Town, is a capricious construction; wherefore the Inquisition shall be good by Entendment. Coke, l. 5. f. 121. See Kitch. f. 224.

quisition soit trove devant le Coroner que un home fuit murd.e al A. que est un Franchise, & nest dit en le Inquisition al A. deins le Franchise de A uncore ceo serra bone per Entendment; car peradventure le Franchise poit extend ouster le Ville, mes que le Ville mesme serra presume destre hors del Franchise del Ville, est un capricious construction: pur que l'Inquisition serra bone per Entendment. Coke l. 5. f. 121. Veies Kitch. f. 224.

Enterpleader.

ENTERpleader is, when in any Cause a matter happens which of necessity ought to be discussed before the principal Cause can be determined: For example, Two persons be found Heir to Land by two several Offices in one County, by this the King is in doubt to whom he shall make Libery, for which cause, before Libery made, he will have them interplead, and thereby determine who is the right Heir, See Coke, l. 7. f. 45. Staundf. Prer. c. 19. Brooke, tit. Enterpleader.

Also there is another sort of Interpleader in Detinue in divers cases; which see Rast. Entries, 213.

Entierty.

ENTIerty, or Intierty, is a French Word signifying Intireness: It is contradistinguished in our Books from Moiety, and denotes the Whole.

Enterpleader.

ENTERpleader est, quant en aucun Cause un chose eschia que de necessitie doit estre discussé devant le principal Cause poit estre determinee: Pur example, Deux persons sont trove Heire al Terre per deux several Offices en un Countie, per ceo le Roy est en aoust a que il serra Liverie, pur quel cause, devant que Liverie soit fait, il voile eux aver enterpleader, & per ceo determine que est le droit Heir. Veies Coke l. 7 f. 45. Staundf. Prer. c. 19. Brooke, tit. Enterpleader.

Auxi est un auter sort de Enterpleader en detinue en diverse cases, queux veies en Rast. Entr. 213.

Entiertye.

ENTIertye, ou Intiertye, est un parol François, signifiant Intireness: Il est contre-distingue en nostre Livres dun Moyetie, & denote le tout.

Entire Tenancie.

ENTIRE Tenancie est ceo que est contrarie al Several Tenancie, & implie un Sole possession en un home, ou laut' implia Joynt ou common en plusieurs. Veies Brooke, *Several Tenancy*, & le Veil Livre de *Extries* fourth cest Title.

Entre

ENTRE est, lou un home enter en ascun Terres ou Tenements, ou prist possession de ceux.

Auxy sont divers Briefs de *Entre* queux sont en divers maners. Un est Brief d' *Entre sur Disseisin*, que gist lou home est disseise, il ou son Heir l'avantdit Brief avera vers mesme le Disseisor, ou asc' auter apres Tenant del Terre. Et si le Disseisor alien, ou devie seisie donques le Brief d' *Entre* serra vers l'Heir ovesque l'Alienee en le *Per*; cest adire, en que le Tenant non habet Ingressum nisi *per* tiel, nosmant le Disseisor, que luy avoit disseise, &c.

Si l'Heire ou Alienee devie seisie, ou aliena al auter, donques le Brief serra en le *Per* & *Cui*; cest adire, en que le Tenant non habet Ingressum nisi *per* tiel (nosmant l'Heire ou l'Alienee del Disseisor) *cui* un tiel (nosmant le disseior) il dimisit, que luy per tort disseise, &c.

Et si Terre soit convey ouster al plusieurs, ou si le primer Disseisor soit disseise, donques le Brief d' *Entre* serra en le *post*; cest adire, que le Tenant non habet Ingressum nisi *post* Disseisinam, quel le primer Disseisor

Entire Tenancy.

ENTIRE Tenancy is that which is contrary to several Tenancy, and signifies a sole possession in one man, where the other signifies Joynt or common in more. See Brooke, *Several Tenancies*, and the *Old Book of Entries*, under this Title.

Entrie.

ENTRY is, where a man enters into any Lands or Tenements, or takes possession of them.

Also there are divers Writs of Entry which are in divers maners. One is a Writ of Entry sur Disseisin, which lies where a man is disseised, he or his Heir shall have this Writ against the Disseisor, or any other after Tenant of the Land. And if the Disseisor alien, and die seised, then the Writ of Entry shall be against the Heir and the Alienee in the *Per*; viz. in which the Tenant hath no Entry but by such a one, naming the Disseisor, who him hath disseised, &c.

If the Heir or Alienee die seised, or alien to another, then the Writ shall be in the *Per* and *Cui*; viz. to which the Tenant hath no Entry but by such a one, naming the Heir or Alienee of the Disseisor, to whom such a one (naming the Disseisor) did let it, who by force disseised him, &c.

And if Land be conveyed over to many, or if the first Disseisor be disseised, then the Writ of Entry shall be in the *Post*; viz. that the Tenant hath no Entry but after the Disseisin, which the first Disseisor made to the Demandant

or his Ancestors. See *Entre en le Per.*

for fait al Demandant ou son Ancestor. Veies *Entre en le per.*

Entrie in the *Per*, *Cui*,
and *Post*.

Entre en le Per, *Cui*,
& *Post*.

A Writ of Entry in the *Per* lies where a man is disseised of his Freehold, and the Disseisor aliens, or dies seised, and his Heir enters, then the Disseisee or his Heir shall have the said Writ against the Heir of the Disseisor, or against the Alienee of the Disseisor; but living the Disseisor, he may have an Assise, if he will, and the Writ of Entry shall say, *In quod A. non habet Ingressum nisi per B. qui illud ei dimisit, qui inde eum injuste disseisivit, &c.* But if the Disseisor alien, and the Alienee dies seised, or aliens over to another, or if the Disseisor dies, and his Heir enters, and that Heir aliens or dies, and his Heir enters; then the Disseisee or his Heir shall have a Writ of Entry sur Disseisin in the *Per* and *Cui*, and the Writ shall say, *In quod idem A. non habet Ingressum nisi per B. cui C. illud ei dimisit, qui inde injuste, &c.*

A Writ of Entry in the *Per* and *Cui*, shall be maintainable against none, but where the Tenant is in by Purchase or Discent: For if the Alienation or Discent be put out of the Degrees, upon which no Writ may be made in the *Per*, or in the *Per* and *Cui*, then it shall be made in the *Post*, and the Writ shall say, *In quod A. non habet Ingressum nisi post Disseisinam quam B. inde injuste & sine judicio fecit præfat. N. vel M. proavus N. cujus hæres ipse est.*

Also there are five things which put the Writ of Entry out of the Degrees, viz. Intrusion, Suc-

Brief d'*Entre en le Per* gist lou home est disseise de son Frank-tenement, & le Disseisor alien, ou devie seise, & son Heire entra, donques le Disseisee ou son Heir avera le dit Brief vers l'Heire le Disseisor, ou vers l'Alienee le Disseisor; mes vivant le Disseisor, il poit aver Assise, si il voile, & le Brief d'entre dirra, *In quod A. non habet Ingressum nisi per B. qui illud ei dimisit, qui inde eum injuste disseisivit, &c.* Mes si le Disseisor alien, & l'Alienee devie seise, ou alien ouster a un aut', ou si le Disseisor devie & son Heire entra, & celuy Heire aliena ou devie, & son Heire entra; Donques le Disseisee ou son Heire avera Brief d'*Entre sur Disseisin* en le *Per* & *Cui*, & le Brief dirra, *In quod idem A. non habet Ingressum nisi per B. cui C. illud ei dimisit, qui inde injuste, &c.*

Brief d'*Entre en le Per* & *Cui* serra maintainable vers nulluy, mes lou le Tenant soit eins per Purchase ou per Discent: Car si l'Alienation ou Discent soit devenus hors des Degrees, sur quel nul Brief poit estre fait en le *Per*, ne en le *Per* & *Cui*, donques serra fait en le *Post*, & le Brief dirra, *In quod A. non habet Ingressum nisi post Disseisinam, quam B. inde injuste & sine judicio fecit præf. N. vel M. proavus N. cujus hæres ipse est.*

Auxy sont cinque choses que mittont le Brief d'*Entre* hors des Degrees; cest adire, Intrusion,

tion, Succession, Disseisin sur
Disseisin, Judgment, ou
Escheat. cession, Disseisin upon
Judgment and Escheat.

1. *Intrusion* est, quant le Dis-
seisor devie seisie, & un estran-
ger abata.

2. *Disseisin sur Disseisin* est,
quant le Disseisor est Disseise,
per un aut.

3. *Succession* est, lou le Dis-
seisor est un home de Religi-
on, & devie, ou est depose,
& son Succesor entra.

4. *Judgment* est, quant un
recover vers le Disseisor.

5. *Escheat* est, quant le Dis-
seisor devie sans Heire, ou
fait Felonie, per que il est at-
taint, per que le Seignior entra
come en son Escheat.

En tous ceux cases le Dis-
seisee ou son Heire navera Brief
d'Entry deins les degrees en le
Per, mes en le Post, pur ceo que
en ceux cases ils ne sont eins
per Discent, ne per Purchase.

*Entre ad Communem
Legem.*

AUxy il y ad un Brief del
Entre ad Communem Legem,
& gist lou Tenant a terme de
vie, Tenant per le curtesie, ou
Tenant en Dower, alien & de-
vie; celuy en le Reversion
avera cest Brief devers quecun-
que que soit eins apres en le
Tenement.

Entre en Casu proviso.

Brief d'Entry en casu proviso
gist, si Tenant en Dower alien
en Fee, ou pur terme de vie,
ou pur aut vie, vivant le Te-
nant en Dower; celuy en le
Reversion avera cest Brief, que
est purview per le Statute de
Gloc. c. 7.

1. *Intrusion* is, when the
Disseisor dies seised, and a
stranger abates.

2. *Disseisin upon Disseisin* is,
when the Disseisor is disseised by
another.

3. *Succession* is, when the
Disseisor is a man of Religion,
and dies, or is deposed, and his
Successor enters.

4. *Judgment* is when one re-
covers against the Disseisor.

5. *Escheat* is, when the Dis-
seisor dies without Heir, or doth
Felonie, whereby he is attaint,
by which the Lord enters as in
his Escheat.

In all these cases the Disseisee
or his Heir shall not have a Writ
of Entry within the degrees of
the Per, but in the Post, because in
those cases they are not in by
Discent, nor by Purchase.

*Entry ad Communem
Legem.*

Also there is a Writ of Entry
ad Communem Legem, which
lies where Tenant for term of
Life, Tenant for term of another's
Life, Tenant by the Courtesie, or
Tenant in Dower, aliens and
dies, he in the Reversion shall
have this Writ against whomso-
ever is in after in the Tenement.

Entry in the Case provided.

Writ of Entry in Casu proviso
lies, if Tenant in Dower al-
ien in fee, or for term of Life, or
for another's Life, living the Te-
nant in Dower; he in the Rever-
sion shall have this Writ, which is
provided by the Stat. of Gloc. c. 7.

Entry in Casu consimili.

A writ of Entry in Casu consimili, lies where Tenant for life or Tenant by the Courtesie, alien in Fee; he in Reversion shall have this Writ, by the Statute of Westmin. 2. cap. 24.

Entre in Casu consimili.

Brief d'Entre in Casu consimili gist, si Tenant pur vie ou Tenant pur le courtesie alien en Fee; celui en le Reversion avera cest Brief per l' Stat. de West. 2. cap. 24.

Entry ad Terminum qui præteriit.

The writ of Entry ad terminum qui præteriit, lies where a Man leases Land to another for term of years, and the Tenant holds over his term; the Lessor shall have this Writ.

And if Lands be leased to a Man for term of another's life, and he for whose life the Lands are leased dies, and the Lessee holds over; then the Lessor shall have this Writ.

Entre ad terminum qui præteriit.

Brief de Entre ad terminum qui præteriit gist si un home lessa Terres a un autre pur terme de ans, & le Tenant tient ouster son terme, le Lessor avera cest Brief.

Et si Terres sont lesses a un home pur terme d'aut' vie, & cestuy pur que vie les Terres sont lesses devie, & le Lessee tient ouster; donques le Lessor avera cest Brief.

Entry without Assent of the Chapter.

Entre sine Assensu Capituli.

A writ of Entry sine Assensu Capituli lies where an Abbot, Prior, or such as hath Covent or common Seal, alien Lands or Tenements of the Right of his Church, without the Assent of the Covent or Chapter, and dies; then the Successor shall have this writ.

Brief de Entre sine Assensu Capituli gist lou un Abbe, Prior, ou tel que ad Covent ou common Seal, aliena Terres ou Tenements del droit de son Eglise, sans le Assent del Covent ou Chapter, & devie; donques son Successor avera cest Brief.

Entry for Marriage in Speech.

Entre causa Matrimonii præloquuti.

A writ of Entry causa Matrimonii præloquuti lies where Lands or Tenements are given to a Man upon Condition, that he shall take the Donor to his wife within a certain time, and he does not espouse her within the said term, or espouses another Woman, or makes himself Priest,

Brief de Entre causa Matrimonii præloquuti gist ou Terres ou Tenements sont done a un home sur condition, que il prendra la Donour a sa feme deins certain temps, & il ne luy espousa deins la dit temps, ou espouse aut' feme, ou luy fait Priestre, ou enter en Religion,

gion, ou luy disable issint que il ne puit luy prendre, accordant a le dit Condition; donques la feme Donour & ses Heirs avera le dit Brief vers lui, ou vers quecunque est eins en le dit Terre. Mes cest Condition doit estre fait per Endenture, autrement cest Brief ne gist. Et tous ceux & autres Briefs de *Entre* poient estre fait en le *Per*, *Cui*, & *Post*.

Entrusion.

E*ntursion* est un Brief que gist lou Tenant pur vie devie seisie de certain Terres ou Tenements, & un Estrange entra; celuy en la Reversion avera cest Brief vers l'Abator, ou quecunque que soit eins apres lour *Entrusion*.

Auxy un Brief de *Entrusion* serra maintainable pur le Successor de un Abbe vers l'Abator, que enter en alcun Terres ou Tenements *Tempore vacacionis* que appent a la Esglise, per le Statute de *Marlebridge*, cap. ultimo.

Et il semble que le difference perentet un *Entrudor* & un *Abator* est en ceo; Que un *Abator* est celuy que entra en Terres void per le mort de un Tenant en Fee, & un *Entrudor* est celuy que entra en Terres void per le mort de un Tenant pur vie ou ans. Veies *F. N. B. fol. 203.*

Entrusion de Gard.

E*ntursion de Gard*, est un Brief que gist ou le Heir deins age entra en ses Terres, & tient hors son Seignior; car en tiel case le Seignior navera le Brief de *Communi Custodia*, mes cest Brief de *Entrusion de Gard*. *Veil. N. B. fol. 90.*

oz enters in Religion, oz disables himself so that he cannot take her, according to the said Condition; then the Donor and her Heirs shall have the said Writ against him, oz against whosoever is in the said Land. But this Condition must be made by Indenture, otherwise this Writ doth not lie. And all these, and other Writs of Entry, may be made in the *Per*, *Cui*, and *Post*.

Entrusion.

E*ntursion*, is a Writ that lies where a Tenant for Life dies seised of certain Lands or Tenements, and a Stranger enters; he in the Reversion shall have this writ against the Abator, or whosoever is in after their *Entrusion*.

Also a writ of *Entrusion* shall be maintainable by the Successor of an Abbot against the Abator, who shall enter in Lands or Tenements in the Time of Vacacion that belong to the Church, by the Statute of *Marlbridge*, the last Chapter.

And it seems the difference between an *Intrudor* and an *Abator* is this; that an *Abator* is he that enters into Lands void by the death of a Tenant in Fee, and an *Intrudor* is he that enters into Lands void by the Death of a Tenant for Life or Years. See *F. N. B. fol. 203.*

Entrusion de Gard.

E*ntursion de Gard*, is a Writ which lies where the Heir within age enters in his Lands, and holds out his Lord; for in such case the Lord shall not have the Writ de *Communi Custodia*, but this Writ of *Entrusion of the Ward*. *Old. N. B. fol. 90.*

Enure

Enure.

ENure signifies to take place or effect, to be available. As a Release shall enure by way of Extinguishment. Lit. Chap. Release.

Enure.

ENure signifie prendre place ou effect, estre available. Come un Release *enure* per voy d'Extinguishment. Lit. Ca. Release.

Equity.

EQuiry is in two sorts, and those of contrary effects; for the one doth abridge and take from the letter of the Law, the other doth enlarge and add thereunto.

The first is thus defined; Equity is the Correction of a Law, generally made in that part wherein it fails, which correction of the general Words is much used in our Law. As for example, when an Act of Parliament is made, that whosoever doth such a thing shall be a Felon, and shall suffer death, yet if a Mad-man or an Infant that hath no discretion do the same, they shall be no Felons, nor suffer death therefore.

Also if a Statute were made, That all persons that shall receive, or give meat and drink, or other succour to any that shall do any such thing, shall be accessory to his Offence, and shall suffer death, if they knew of the fact; yet one doth such an act, and comes to his Wife, who knowing thereof doth receive him, and gives him meat and drink, she shall not be Accessary nor Felon; for by the generality of the said words, neither the Mad-man, Infant, nor Wife, were included in the intent of the Law.

And thus Equity doth correct the generality of the Law in

Equitie.

EQuitie est en deux manners, & ceux de contrarie effects; car un abridge & tol le letter del Ley, l'auter enlarge, & adde a ceo.

Le primer est issint define; *Equitas est Correctio Legis generalim lata qua parte deficit*; le quel Correction del general parols est mult use en nostre Ley. Sicome pur exemple, Quant Act de Parliament est fait; quecunq; que fait tiel act serra Felon, & serra mise al mort; uncore si home de Non sane memorie ou Enfant que nad discretion le fait, ils ne ferront Felons, ne mise al mort.

Auxy si Statute soit fait, Que tous persons que recevront, ou donneront maunger ou boyer ou aut' aid a cestuy que fera tiel act, ferront accessory a son Offence, & ferront mise al mort, si ils conuisteront del fait; uncore l'un fait tiel act, & veigne a sa proper feme, que sciant ceo luy receive, & done maunger & boyer a luy; el ne serra Accessary, ne Felon; car per le generalitie de les dits parols ne cestuy de Non sane memorie, Enfant, ne feme fueront enclude en l'Entent de Ley.

Et issint *Equitie* correct le generalitie del Ley en ceux cas.

cases, & les parols generals sont per Equitie abridge.

L'aut' Equitie est define estre un Extension des parols de la Ley al Cases non exprimez, ayant neantmoins la mesme raison.

Ainsi quand les parols enact un chose, ils enact tous choses que sont en semblables degrees. Sicome le Statute que ordeigne, Que en Action de Det vers Executors, cestuy que vient per Distresse respondera, extendra per Equite al Administratours; car cestuy de eux que vient primes per Distresse, respondera per Equitie del dit Act; *quia sunt in equali genere.*

Issint le Statute de Gloucester done l'Action de Waste & le Punishment de ceo vers cestuy que tient pur vie ou ans; & per l'Equitie de ceo home a vera Action de Waste vers cestuy que tient forsque pur un an ou demy an, uncore ceo est hors del parols del Statute; car cestuy que tient forsque pur demy an ou un an, ne tient pur ans; mes ceo est l'entent; & les parols quel enact l'un, per Equitie enacteront l'auter.

Errant

ERRant, id est, *Itinerans*, venust del parol Francois *Errer*, id est, *Errare*, ou del vieux parol *Erre*, id est, *Iter*; & est appropriate as Justices que alont en Circuit, & Bailies a large, que pur ceo sont appelle *Justices Errants*, & *Bailies Errants*, pur ceo que ils alont & travaillent del un lieu al auter, l'un pur faire Justice, & auter per executer Proces. Veies *Eire*.

those case, and the general words are by Equity abridged.

The other Equity is defined to be an Extension of the Words of the Law to Cases unexpressed, yet having the same reason. So that when the words enact one thing, they enact all other things that are of like Degree. As the Statute which ordains, That in an Action of Debt against the Executors, he that doth appear by Distress shall answer, doth extend by Equity to Administrators; for such of them as appear first by Distress, shall answer by Equity of the said Act; because they are of the like kind.

So likewise the Statute of Gloucester gives the Action of Waste, and the Penalty of it against him that holds for Life or Years; and by the Equity thereof a man shall have an Action of Waste against him that holds but for one year or half a year, yet this is without the words of the Statute; for he that holds but for half a year or one year, doth not hold for years; but that is the meaning, and the words that enact the one, by equity enact the other.

Errant.

ERRant, id est, *Itinerans*, comes from the French word *Errer*, id est, *Errare*, or of the old word *Erre*, id est, *Iter*; and is appropriated to Justices that go in Circuit, and to the Bailiffs at large, who are therefore called *Justices Errants*, and *Bailiffs Errants*, because they go and travel from place to place, the one to do Justice, and the other to execute Process. See *Eire*.

Error.

Error is a Fault in a Judgment, or in the Process, or Proceeding to Judgment, or in the Execution upon the same in a Court of Record; which in the Civil Law is called, a Nullity. Error is also the Name of a Writ that lies where Judgment is given in the Common Place, or before the Justice in Assise, or Oyer and Terminer, or before the Mayor and Sheriffs of London, or in other Court of Record, against the Law, or upon undue and ill Process; then the Party grieved shall have this Writ, and thereupon cause the Record and Process to be removed before the Justices of the King's Bench, and if the Error be found, it shall be reversed. But if an erroneous Judgment be given in the King's Bench, then it could not be reversed but by Parliament, until the Statute of 27 Eliz. cap. 8.

Also if such a Default in Judgment be given in a Court not of Record, as in a County, Hundred, or Court Baron, the party shall have a Writ of False Judgment, to cause the Record to be brought before a Justice of the Commonplace. Also if Error be found in the Exchequer, it shall be redressed by the Chancellor and Treasurer, as it appears by the Statute E. 3. an. 31. c. 12. & 31 Eliz. c. 1.

Also there is another Writ of Error upon a Judgment in the King's Bench; and that is, where the Plaintiff assigns matter of Fact for Error: And this lies in the same Court, for this Court can redress their Errors in Fact, (but not their Errors in Law) But the Court of common B. cannot do so. See 1 W. & M. cap. 4.

Error.

Error est un Fault en un Judgment, ou en le Processé ou Proceeding al Judgment, ou en Execution sur ceo en Court de Record; quel Fault en le Civil Ley est appel un Nullitie. Auxy Error est le nosme de un Brief, & gist lou Judgment est done en le Common Banke, ou devant Justice en Assise, ou devant Justice de Oyer & Terminer, ou devant le Maior ou Viscount de Londres, ou en aut' Court de Record, contra le Ley, ou sur undue un male Proces; donques le partie grieve avera cel Brief, & per ceo causera le Record & Proces destré remove devant les Justices de Bank le Roy; & la si l'Error soit trove, il serra reverse. Mes si erroneous Judgment soit done en Bank le Roy, donques il ne poit este reverse forsque per Parliament, tanque le Statute 27 Eliz. cap. 8.

Auxy si tiel Default soit en Judgment done en Court que nest de Record, come en Countie, Hundred ou Court Baron, donque le partie avera Brief de Faux Judgment, pur faire le Record vener devant un Justice de Common Bank. Auxy si Error soit trove en l'Exchequer, il serra redresse per le Chauncellor & Treasurer, ut patet per Statute Ed. 3. an. 31. c. 12. & 31 Eliz. c. 1.

Est auxi un aut' brief d'error sur Judgment en Bank le Roy: Et cest ou le Plaintiff voil assigne matter en fait pur Error. Et c'est en mesme le Court, car cest Court poit redress leur errors en fait (mes nemy leur Errors en ley) mes le Cours de Com. B. ne poit issint faire. Veies 1 W. & M. cap. 4.

Escape.

Escape est, lou un que est arrest deveigne a son liberty devant que il soit deliver per Agard de ascun Justice, ou per order de Ley.

Escape est en deux sorts; voluntarie & negligent.

Voluntarie Escape est, quant un arrest auter pur Felonie ou auter crime, & puis celuy en que custodie il soit luy lesser aler lou il voit.

Et si l'Arrest fuit pur Felonie, ceo serra dit Felonie en cestuy que luy lesser de escaper; si pur Treason, il serra Treason en luy; & si pur un Trepasse, donque Trespasse; & sic de singulis.

Quant un est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursue, & reprise devant que le pursuor perdra le view de luy; ceo serra dit *negligent Escape*, non obstant que cestuy hors de que possession il escape luy reprist apres le vieu perdu. Auxy, si un soit arrest, & puis escape, & est a son libertie, & cestuy en que garde il fust luy reprise apres, & luy amesne a le prison; uncore il est *Escape* en luy.

Si un Felon soit arrest per le Constable, & amesne a le Gaol en le Countie, & le Gaoler ne voit luy receiver, & le Constable luy demit, & le Gaoler auxy, & issint il escape; cest est un *Escape* en le Gaoler pur ceoque en tiel case le Gaoler est tenu de luy receiver per le main del Constable, sans ascun Precept de le Justice de Peace. Mes auterment est, si un common person arrest auter pur suspicion de Felony, la le Gaoler nest tenu de luy re-

Escape.

Escape is, where one that is arrested comes to his Liberty before he be delivered by Ward of any Justice, or by Order of Law.

Escape is in two Sorts; voluntary, and negligent.

Voluntary Escape is when one doth arrest another for Felony or other Crime, and after he in whose custody he is lets him go where he will,

And if the arrest were for Felony, then shall it be Felony in him that suffered the Escape; if for Treason, then Treason in him; and if for Trespas, then Trespas; and so in all other.

When one is arrested and after escapes against the Will of him that did arrest him, and is not freshly pursued, and taken before the Pursuer loses the sight of him; this shall be said a negligent Escape, notwithstanding that he out of whose Possession he escaped do take him after he have lost sight of him. And so if one be arrested and after escape, and is at his Liberty, and he in whose Ward he was, take him afterward, and bring him to the Prison; yet it is an Escape in him.

If a Felon be arrested by the Constable, and brought to the Gaol in the County, and the Gaoler will not receive him, and the Constable lets him go, and the Gaoler also, and so he escapes; this is an Escape in the Gaoler, for that in such case the Gaoler is bound to receive him by the Mand of the Constable, without any Precept of the Justice of Peace. But otherwise it is, if a common Person arrest another upon Suspicion of Felony, there the Gaoler is not bound

bound to receive him without a Precept of some Justice of Peace.

There is an Escape also without an Arrest: As if Murder be made in the Day, and the Murderer be not taken, then it is an Escape, for which the Town where the Murder was done shall be amerced.

And it is to be observed, That a Man may be said to escape, notwithstanding he always continues in Prison. As if a Man be in Prison upon two Executions at the Suit of two several men, and the old Sheriff delivers over this Prisoner to the new Sheriff by Indenture according to the usual course, and in the said Indenture makes no mention of one of the said Executions; this Omission shall be said an Escape in Law instantly, for which the Old Sheriff shall answer, although the Execution was matter of Record, whereof the new Sheriff might have taken notice. But otherwise it is where the old Sheriff dies, for in such case it behoves the new Sheriff at his peril to take notice of all the Executions that are against any person that he finds in the Gaol: But in the said Case where the Sheriff dies, and before another is made, one that is in Execution breaks the Gaol, and goes at large, this is no Escape; for when a Sheriff dies, all the Prisoners are in the Custody of the Law, untill a new Sheriff be made. See Coke, lib. 3. fol. 72.

If the Sheriff upon a *Capias ad satisfaciendum* to him directed, makes Return, That he hath taken the Body, and yet hath not the Body in Court at the Day of the Return; the Plaintiff may have his Action against the She-

ceiver sans Precept de aucun des Justices de Peace.

Il y ad un Escape auxy sans Arrest; come si Murder soit fait en le jour, & le Murderer ne soit prise, donq; il est Escape, pur que le Ville ou le Murder fuit fait-serra amercie.

Et est destre observe, Que home poit estre dit de escaper, nient obstant que il tous soits remain en Prison. Come si home soit en Prison sur deux Executions al Suit de deux several homes, & l'ancien Viscount deliver ouster cest Prisoner al novel Viscount per Indenture, accordant al usual manner, & en le dit Indenture ne fait aucun mention de un des dits Executions, cest Omission serra dit un Escape en Ley immediatement, pur que le ancien Viscount respondera, nient obstant que le Execution fuit matt' de Record, de que le novel Viscount puit aver prise notice. Mes auterment est lou l'antient Viscount morust, car en tiel case covient al novel Viscount a son peril de prendre notice de tout les Executions que sont vers aucun person que il trova en le Gaole: Mes en le dit case, ou le Viscount morust, & devant que auter est fait, un que est en Execution enfreint le Gaole, & depart a large, ceo est nul Escape; car quant un Viscount morust, tout les prisoner sont en le custodie del Ley, tanque novel Viscount soit fait. Veies Co. lib. 3. fol. 72.

Si le Viscount sur un *Capias ad satisfaciendum* a luy direct, fait Return *Quod cepit Corpus*, & uncore nad le Corps en Court al jour de le Retorne; le Plaintiff poit aver son Action vers le Viscount pur l'Escape, nient

obstant que le partie issint prise
soit en le Gaole. Veies 7 H. 4.
11. Br. 107.

Escheat.

EScheat est, lou un Tenant en
Fee. simple face Felonie, pur
que il est pendue, ou abjure le
Realme, ou uthage de Felonie,
Murder, ou Petit Treason, ou
si le Tenant morust sans Heire
general ou special; donque le
Seign' de que le Terre est tenu
per le Tenant poit enter per voy
de *Escheat*; ou si asc' aut' home
enter, le Seign' avera vers luy
un Brief appel Brief de *Escheat*.

Escheator.

EScheator est le nosme del Of-
ficer que regarda les Es-
cheats del Roy en le Countie
de que il est Escheator, &
certifie ceux en le Exchequer.
Cest Officer est designe per le
Seign' Treasurer, & pur Let-
ters Patents de luy, & continua
en son Office forsq; un an neq;
poit asc' estre Escheator forsq;
un foits en trois ans. *An. 8 H. 8.*
c. 8. & an. 3 ejusd. c. 2. Veies
pluis de cest Officer & son au-
thority en *Crompton's Justice de*
Peace. Veies *An. 21 Ed. 1.* Le
forme del Serement del Es-
cheator veies en le *Reg. orig.*
fol. 301. b. Et l' *Escheator* est
un Officer de Record, & puit
ordein un South. Escheator
come le Viscount; uncote l'Escheator
ne poit returne ascun Office
virtute Officii, mes il terra pun-
nie. Veies *F. N. B. fol. 100.*
Officium Escheatrie est l' Eschea-
torship. *Reg. orig. fol. 259.*

Eschequer.

ESchequer (*Scaccarium*) venust
del parol Francois *Esche-*

riff for the Escape, although the
Party so taken be in the Gaol.
Sec 7 H. 4. 11. Br. 107.

Escheat.

EScheat is, where a Tenant in
Free-simple commits Felony,
for which he is hanged, or abju-
red the Realm, or Outlawed of
Felony, Murder, or Petty Treas-
on, or if the Tenant die without
Heir general or special; then the
Lord of whom the Tenant held
the Land, may enter by way of
Escheat; or if any other enter,
the Lord shall have against him
a Writ called a writ of Escheat.

Escheator.

EScheator is the name of an Of-
ficer that observes the Escheats
of the King in the County where
of he is Escheator, and certifies
them into the Exchequer. This
Officer is appointed by the Lord
Treasurer, and by Letters Pa-
tents from him, and continues in
his Office but one Year; nei-
ther can any be Escheator but once
in three Years. *An. 1. H. 8. cap.*
8. and an. 3. ejusd. cap. 2. See
more of this Officer and his Au-
thority, in *Crompton's Justice of*
Peace. See *An. 21 Ed. 1.* The
Form of the Oath of the Escheator
see in the *Reg. orig. fo. 301. b.* And
the Escheator is an Officer of Re-
cord, and may ordain an Under-
Escheator, as the Sheriff may
an Under-Sheriff; yet the Es-
cheator cannot return any Office
by Virtue of his Office, but he
shall be punished. See *F. N. B.*
100. Office *Escheatrie* is the Es-
cheatorship. *Reg. orig. fol. 259.*

Exchequer.

EXchequer (*Scaccarium*) comes
of the French Word *Esche-*
quier,

quier, id est, Abacus, which in one Signification is taken for a Counting-Table, or for the Art or Skill of Counting. And from thence (as some think) the Place or Court of the Receipts and Accounts of the Revenues of the Crown is called the Exchequer. Others have otherwise derived the Name. But the Exchequer is defined by Crompton in his Jurisdiction of Courts, fol. 105. to be a Court of Record, wherein all Causes touching the Revenues of the Crown are handled.

Escrow.

A N Escrow is a Deed delivered to a third Person to be the Deed of the Party upon a future Condition; and is called in Latin *Schedula Rast.* Ent. 181.

Escuage.

EScuage, in Latine *Scutagium*, that is, Service of the Shield, and he that held by Escuage, held by Knight-Service; and to that did belong Ward, Marriage, and Relief, &c.

But see the Stat. 12 Car. 2. c. 24. for taking away the Court of Wards and Liveries, and turning all Tenures into free and common Socage.

Escuage was a certain Sum of Money levied by the Lord of his Tenant, after the Quantity of his Tenure, when Escuage ran through all England, and was ordained by all the Council of England, how much every Tenant should give his Lord; and that was properly to maintain the Wars against Scotland

quier, id est, *Abacus*, qui en un signification est prise pour un Counting-Table, ou pour l'art ou science del Compt'. Et de ceo (come aucuns pensoient) le lieu ou Court des Receipts ou Accounts des Revenues del Corone est appelle l' *Eschequer*. Auters ont autrement derive le nomme de ceo. Mes le *Eschequer* est define par Crompton en son *Jurisd. des Courts*, fol. 105. destre un Court del Record, en que tous les Causes que concerne les Revenues le Corone sont traicts.

Escrow.

UN Escrow est un fait deliver al tierce person de estre le fait del party sur future condition, Et est appellé en Latine *Schedula Rast. Entr.* fol. 181.

Escuage.

EScuage, en Latine *Scutagium*, cest adire, *Servitium Scuti*, & cestuy que tient per Escuage, tient per Service de Chivaler; & a ceo appent Gard, Marriage, & Relief, &c.

Mes veies les Stat. 12 Car. 2. cap. 24. pur abolishing le Court de Gards & Liveries, & turning tous les Tenures en frank & common Socage.

Escuage fuit un certain Sum de Argent levie per le Seignior de ses Tenants, solonque le quantitie de son Tenure, quand le Escuage courge per tout *Angleterre*, & fuit ordeigne per tout le Council de *Angleterre*, quant chescun Tenant donna a son Seignior; & ceo fuit properment pur

sustener le Guerre contre Escocce ou Gales, & non pas contre autres Terres, pur ceo que les avant dit Terres seront de droit appendant a le Realme de Angleterre. *Vide Littl. l. 2. c. 3.*

Eslistors.

Sont persons nominate per un Court del common Ley, al queux un *venire facias* serroit direct (per challenge al Viscount & Coroners,) queux retourne le brief en lour nosmes, ove un pannel des nosmes des Jurors. 15 E. 4. 24. pl. 4.

Esnevy.

Esnevy en un immunitie done al plus eigne Coparcener, de Eslier primerment puis le Inheritance est divide. *Flet. l. 5. c. 10.*

Esplees.

Esplees est le Profit ou Commodity que est a prender dun chose : Come de un Common, le prender del Grasse per les bouches de les Beasts que common la ; de un Advowson, le prender de gros Dismes par le Parson ; de Bois, le vender de Bois ; de un Orchard, le vender de Pomes & autres Fruits creissant la ; de un Molin, le prisel de Tolle, sont les *Esplees*, & de tiels semblables. Et nota, que en Brief de Droit de Terre, Advowson, ou tiels semblables, le Demaundant doit alledge en son Count, que il ou ses Auncetors prise les *Esplees* de chose en demand, autrement le count nest bone.

oz Wales, and not against other Lands, for that those Lands did of Right belong to the Realm of England. See Littl. lib. 2. cap. 3.

Eslistors.

ARE Persons nominated by a Court of Law, to whom a *venire facias* is directed (by Challenge to the Sheriff and Coroners) who return their Writ in their own Names, with a Panel of the Jurors Names. 15 E. 4. 24. pl. 4.

Esnevy.

Esnevy is a Privilege given to the eldest Coparcener, to choose first after the Inheritance is divided. *Flet. lib. 4. cap. 10.*

Esplees.

Esplees is the Profit oz Commodity that is to be taken of a Thing : As of a Common, the taking of Grasse by the Mouths of the Beasts that common there ; of an Advowson, the taking of gros Tithes by the Parson ; of Wood, the selling of Wood ; of an Orchard, the selling of Apples and ocher Fruit growing there ; of a Mill, the taking of Toll, are the *Esplees*, and of such like. And note, that in a Writ of Right of Land, Advowson, oz such like, the Demandant ought to alledge in his Count, that he oz his Auncetors took the *Esplees* of the Thing in Demand, otherwise the Pleading is not good.

Essendi quietum de
Tolonio.

Essendi quietum de Tolonio, is a Writ to be quit of Toll, and lies in case where the Citizens or Burghesses of any City or Borough have been acquitted of Toll by the Grant of the King's Progenitors throughtout the whole Realm, or by Prescription; then if any Man of the said Cities or Boroughs come with his Merchandises to any Town, Fair, or Market, and there put them to Sale, or buy any Merchandises, if the Officers of the said Town will demand any Toll of him against the King's Charter, or against the Usage and Custom, he may sue and have such a Writ. Fitz. N. B. fol. 226. Regist. original, fol. 258.

Essoin.

Essoin: Where an Action is brought, and the Plaintiff or Defendant may not well appear at the Day in Court, for one of the five Causes under specified, he shall be Essoined to save his Default.

There are five Manner of Essoins: viz. *Essoin De ouster le mere*, by which the Defendant shall have a Day by forty Days.

The second is, *De terra sancta*, and upon this the Defendant shall have a Day by a Year and a Day; and these two shall be laid in the Beginning of the Plea.

The third *Essoin* is, *De male vener*, and that shall be adjourned to a common Day, as the Action requires; and this is called the Common *Essoin*: And when and how this *Essoin*

*Essendi quietum de
Tolonio.*

Essendi quietum de Tolonio, est un Brief destre quit de Tolle, & gist en case ou les Citizens ou Burghesses de ascun Citie ou Borough, ont estre quit de Tolle per Graunt des Progenitours del Roy per tout le Royame, ou per prescription; dunque si ascun home des dits Cities ou Boroughs veignent ove ses Merchandises a ascun Ville, Fair, ou Market, & la eux mitte a vender; ou achatont ascuns Merchandises, si les Officers del dit Ville voile demaunder ascun Tolle de luy encounter le Charter le Roy, ou encounter le Loy, ou encounter l'Usage & Custome, il poit suer & aver tiel Brief. F. N. B. f. 226. Regist. orig. fol. 258.

Essoine.

Essoine: Lou un Action est port, & le Plaintife ou Defendant ne poit bien appare al jour en Court pur un de cinque causes desourh expresse, il serra *Essoine* de savor son Default.

Sont cinque manners de *Essoines*: cest adire, *Essoine, De ouster le mere*, per quel le Defendant avera jour per xl. jours.

Le second est, *De terra sancta*, & sur ceo le Defendant avera jour per un an & un jour; & ces deux serront gist al commencement del Plee.

Le tierce *Essoine* est; *De male vener*, & ceo serra adjourne al common jour, come l'Action require; & cest appelle le *Common Essoine*: Et quand & coment cest *Essoine*

ferra, veies les Statutes, & Livre de *Abridgement de Statutes*, lou il est bene declare.

Le quater est, *De malo lecti*, & ceo est solement en Brief de Droit, & sur ceo issira Brief hors del Chauncerie direct al Viscount, que il mandera quater Chivalers de veier le Tenant, & si il soit malade, de done a luy jour apres un an & jour.

Le cinque Essoine est, *De service del Roy*, & gist en tous Actions, forsque en Assise *De Novel Disseisin*, Brief de Dower, *Darrene presentment*, & en Appeal de Murder: mes en cest Essoine il covient el jour de monstre son Garrant, ou autrement il turnera a un Default, si soit en Plee real; ou autrement il perdera xx s. pur le journey, ou pluis per le discretion del Justice, si soit en Plee personal, ut patet per le Statute de *Glouc. st. cap. 8.*

Essoine de malo lecti.

Essoine de malo lecti, est un Brief direct al Viscount, pur le mistre quater loyal Chivalers a veier un que ad essoin luy mesme *De malo lecti*. *Reg. Orig. fol. 8. b.*

Etablissement de Dower.

Etablissement de Dower, semble destre le Assurance de Dower fait per le Baron ou ses amies devant ou al temps del Espousels: Et *Assignment de Dower* est le Mittant ceo hors per le Heire apres, accordant al *Etablissement*. *Brit. cap. 102, 103.*

shall be, see the Statutes and the Abridgment of Statutes, where it is well declared.

The fourth is, *De malo lecti*, and that is only in a Writ of Right, and thereupon there shall a Writ go out of the Chancery directed to the Sheriff, that he shall send four Knights to see the Tenant, and if he be sick, to give a Day after a Beat and a Day.

The fifth Essoin is, *De service del Roy*, and it lies in all Actions, except in Assise *De Novel Disseisin*, Writ of Dower, *Darrene presentment*, and in Appeal of Murder: But in this Essoin it behoves at the Day to shew his Warrant, or else it shall turn to a Default, if it be in a Plea real; or else he shall lose xx s. for the Journey, or more, by the Discretion of the Justice, if it be in a Plea personal, as it appears by the Statute of *Glouc. cap. 8.*

Essoin de malo lecti.

Essoin de malo lecti, is a Writ directed to the Sheriff, to send four lawful knights to view one that hath essoined himself *De malo lecti*. *Reg. Orig. fol. 8. b.*

Etablissement de Dower.

Etablissement de Dower, seems to be the Assurance of Dower made by the Husband, or his friends, befoze or at the Time of the Marriage: And *Assignment of Dower* is the Setting it out by the Heir afterward, according to the *Etablissement*. *Brit. c. 102, 103.*

Estandard.

Estandard or Standard signifies an Ensign in War ; but is also used for the principal or Standing Measure of the King, to the Proportion whereof all the Measures through the Land are and ought to be framed by the Clerk of the Market, Aulneger, or other Officer, according to their Function.

For it was established by Magna Charta, ann. 9 H. 3. c. 25. that there should be but one Scantling of Weights and Measures through all the Realm ; which is since confirmed by An. 14 Ed. 3. cap. 12. and many other Statutes ; as also that all should be fitted to the Standard sealed with the King's Seal.

And there is good Reason that it should be called a Standard, because it stands constant and immoveable, and hath all other Measures coming towards it for their Conformity ; as Soldiers in the Field have their Standard or Colours for their Direction in their March or Skirmish. Of these Standards and Measures read Britton, cap. 30. See Statute 17 Car. 1. cap. 19.

Estate.

Estate is that Title or Interest that a Man hath in Lands and Tenements ; as Estate simple, otherwise called Fee-simple, and Estate conditional, or upon Condition ; which is either upon Condition in Deed, or upon Condition in Law. See Litt. lib. 3. cap. 5.

Estandard.

Estandard ou Standard implia un Ensigne en le guerre ; mes est auxy use pur le prime ou Certaine Measure del Roy, proportion del que tous les Measures per le Terre devoient estre fait per le Clerke del Market, Aulneageor, ou autre Officer, accordant a leur Function.

Car il fuit establie per Magna Charta, an. 9. H. 3. cap. 25. que la serroit forsque un Assise de Poys & Measures per tout le Royalme ; le quel est jammes confirme per An. 14 Ed. 3. cap. 12. & plusors autres Statutes ; come auxy que tous serroyent fait al Estandard seale ove le Seale le Roy.

Et bone cause la est que il serroit appel Estandard, pur ceo que il estoit constant & immove, & ad tous autres Measures vient a icel pur leur conformite ; en mesme le maniere come Souldiers en le champe ont leur Estandard ou Colours pur leur Direction en leur March ou Battel. De eux Estandards & Measures lies Brit. cap. 30. Veies le Stat. 17 Car. 1. c. 19.

Estate.

EState est cel Title ou Interest que home ad en Terres ou Tenements ; come Estate simple, autrement appell Fee-simple, & Estate Conditional ou sur Condition, que est ou sur Condition en Fait, ou sur Condition en Ley. Veies Litt. lib. 3. cap. 5.

Estoppel.

Estoppel.

Estoppel est, quant un est conclude & denie en Ley de parler encounter son act ou fait demesme, nient obstant il soit pur dire le veritie.

Et de *Estoppels* il y ad un grand number. Un pur exemple est, quand J. S. est obligé en Obligation per le nosme de T. S. ou ascun autre nosme, & est sue apres accordant al mesme le nosme mis en le Obligation, ore il ne serra receive a dire que il est misnomme, mes serra chasc a responder accordant al nosme mis en le Obligation, cest a dire, T. S. car peradventure le Obligee ne scavoit pas son nosme mes per le report tantsolement del Obligor mesme : & entant que il est mesme le home que fuit obligé, il serra *estoppe*, & denie en Ley pur adire le contrarie enconter son fait demesme ; car autrement il poit prendre advantage de son tort demesme, le quel le Ley ne voit suffer un home de faire.

Si le file que est Heire a son pere voit suer Liverie ove sa soer que est un Bastard, el ne serra apres receive pur dire que sa soer est un Bastard, entant que si la Bastard soer prist le moietie del Terre, il nad Remedie per le Ley.

Auxy si un home seisie de Terre en Fee-simple voit prender un Lease pur ans de mesme le Terre de un estranger per Fait indent, cest un *Estoppel* durant le terme de ans, & le Lessee est per ceo barre adire le verite, car le veritie est, Que il que lessa le Terre nad

Estoppel.

Estoppel is, when one is concluded and forbidden in Law to speak against his own Act or Deed, yea, though it be to say the Truth.

And of *Estoppels* there are divers. One for Example is, when J. S. is bound in an Obligation by the Name of T. S. or any other Name, and is sued afterward according to the Name in the Obligation ; now he shall not be received to say that he is misnamed, but shall be driven to answer according to the Name put in the Obligation, that is, T. S. for peradventure the Obligee did not know his Name but by the Report of the Obligor himself : And inasmuch as he is the same Man that was bound, he shall be estopped, and forbidden in Law to say contrary to his own Deed ; for otherwise he might take Advantage of his own Wrong, which the Law will not suffer a Man to do.

If the Daughter who is Heir to her Father will sue Liberty with her Sister who is a Bastard, she shall not afterward be received to say that her Sister is a Bastard, insomuch as if her Bastard-Sister take Half the Land, there is no Remedy by the Law.

Also if a Man seised of Lands in Fee-simple will take a Lease for Years of the same Land of a Stranger by Deed indented ; this is an *Estoppel* during the Term of Years, and the Lessee is thereby barred to say the Truth, which is, That he that leased the Land had Nothing in

in it at the Time of the Lease made, and that the Fee-simple was in the Lessee : But this he shall not be received to say till after the Years are determined, because it appears that he hath an Estate for Years, and it was his folly to take a Lease of his own Lands, and therefore shall thus be punished for his folly.

Estovers.

Estovers are Nourishment or Maintenance : And Bract. l. 3. tract. 2. c. 18. num. 1. uses it for such Sustenance as a Man, taken for Felony, is to have out of his Lands or Goods for himself and his Family during his Imprisonment. And the Statute of 6 E. 1. c. 3. uses it for an Allowance in Meat or Cloth. It is also used for certain Allowances of Wood to be taken out of another Man's Wood ; Westm. 2. c. 15. An. 13. E. 1. West, part. 2. tit. Fines, sect. 26. saith, That the Name Estovers comprehends Houseboot, Hedgeboot, and Blowboot ; as if one hath in his Grant these general Words, Reasonable Estovers in the Woods, &c. he may thereby claim those three.

Estrangers.

Estrangers are sometimes taken for those that are not Parties or Privies to the levying of a fine, or making of a Deed ; sometimes those that are born beyond Sea.

Estray.

Estray is where any Beast or Cattle is in any Lordship, and none knows its Owner ; then it shall be seized to the Use

riens en ceo al temps le Lease fait, & que le Fee-simple fuit en le Lessee : Mes ceo il ne serra receive adire ranque apres les ans serra determine, pur ceo que il appiert que il ad Estate pur ans, & il fuit son folly de prendre un Lease de ses Terres demesne, & pur ceo serra issint punie pur son follie.

Estovers.

Estovers sont Nutriment ou Maintenance : Et Bract. l. 3. tract. 2. c. 18. num. 1. ceo usa pur tiel Nutriment que home, attach pur Felonie, est de aver hors de ses Terres ou biens pur luy mesme & son familie durant son dures. Et le Statute de 6 E. 1. c. 3. ceo usa pur un Allowance en Viands ou Panne. Il est auxy use pur certain Allowances de Boys destre prise hors del Boys de un auter home, Westm. 2. c. 15. Anno 13. E. 1. West, part. 2. tit. Fines, sect. 26. dit, Que le nosme de Estovers, conreigne House-bote, Hey-bote, & Carue-bote, come sil ad en son Grant ceux general parols, De rationabili Estoverio in boscis, &c. il poet per ceo claimer ceux trois.

Estrangers.

Estrangers sont ascun foits prise pur ils que ne sont Parties ne Privies al Fine levie ou feafans de un Fait ; ascuns foits ils que sont nee ouster le mere.

Estray.

Estray est, lou ascun Beast ou Cattle est en ascun Seigniorie, & nul conust le Owner de ceo ; donques ceo serra

sera seisie al oeps le Roy, ou de le Seignior que ad tiel *Estray* per grant le Roy, ou per prescription : Et si le Owner fait claim a ceo deins an & jour, il ceo reavera ; ou autrement apres le an le proprietie de ceo sera al Seignior, issint que le Seignior face Proclamation de ceo accordant a le Ley.

Estreat.

E*streat* est un Embleme ou Resemblance, & est communement use per le Copie ou voier Note de un Original Escription ; come *Estreats* de Amerciements impose en les Rolls de un Court, destre levie per le Reeve, ou autre Officer, de chescun home pur son peche. Veies *F. N. B.* 75, & 76. Et issint il est use en *Westm.* 2. c. 2.

Estrepment.

E*strepment* est un Brief que gist lou un est emplede per un *Præcipe quod reddat* pur certaine Terre ; si le Demandant suppose que le Tenant voile faire waste pendant le Plee, il avera vers luy cest Brief, que est un Prohibition, luy commandant ne faire Waste pendant le Plee.

Et cest Brief gist properment lou un home demande Terres per *Formedon*, ou Brief de Droit, ou tiels Briefs lou il ne recover Dammages ; car en tiels Briefs lou il recovers Dammages, il avera ses Dammages, ove regard al Waste fait.

of the King, or of the Lord that hath such *Estray* by the King's Grant, or by Prescription ; And if the Owner make claim thereof to within a Year and a Day, he shall have it again ; otherwise after the Year, the Property thereof shall be to the Lord, provided he make Proclamation of it according to the Law.

Estreat.

E*streat* is a Figure or Resemblance, and is commonly used for the Copy or true Note of an Original Writing ; as *Estreats* of Amerciements imposed in the Rolls of a Court, to be levied by the Bailiff, or some other Officer, of every Man that hath offended. See *F. N. B.* 75, & 76. And so it is used in *Westm.* 2. c. 2.

Estrepment.

E*strepment* is a Writ that lies where one is impleaded by a *Præcipe quod reddat* for certain Land ; if the Demandant suppose that the Tenant will do Waste depending the Plea, he shall have against him this Writ, which is a Prohibition, commanding him to do no Waste, depending the Plea.

And this Writ lies properly where a Man demands Lands by *Formedon*, or Writ of Right, or such Writs where he shall not recover Damages ; for in such Writs where he shall recover Damages, he shall have his Damages, with Regard to the Waste done.

Estate probanda.

ETate probanda is a Writ of Office, and it lies for the Heir of the Tenant that held of the King in chief, to prove he is of full Age, directed to the Sheriff to enquire of his Age; and then he shall become Tenant to the King by the same Services that his Ancestors made to the King. But it is said, that every one that shall pass in this Enquest shall be of the Age of xliij. Years at least. But see the Stat. 12 Car. c. 2. for abolishing the Court of Wards and Liveries, &c.

Evesdroppers.

EVesdroppers are such as stand under Walls or Windows by Night or Day to hear News, and to carry them to others, to make Strife and Debate amongst their Neighbours; those are evil Members in the Commonwealth, and therefore by the Stat. of Westm. 1. c. 33. are to be punished.

And this Misdemeanor is presentable and punishable in the Court-Leet. Kitch. f. 11.

Evidence.

Evidence is generally used for any Proof, be it by the Testimony of Men, or by Writing. Sir Tho. Smith, l. 2. c. 17. uses it in both Senses, in these Words; Evidence is authentical Writings of Contracts, according to the Manner of England, that is, written, sealed, and delivered.

And l. 2. c. 23. speaking of the Prisoner that stands at the Bar to plead for his Life, and of those that charge him with Felony, thus; Then he tells what

Estate probanda.

ETate probanda, est un Brief de Office, & gist pur le Heire le Tenant que tient del Roy en capite, pur prove que il est de plein age, direct al Viscount pur inquire de son age; & donques il deviendra Tenant al Roy per mesme les Services que son Ancestors fist al Roy. Mes il est dir, que chescun que passer en cest Enquest serra del age de xliij. ans al meins. Mes veies le Stat. 12 Car. 2. pur Abolition del Court de Wards & Liveries, &c.

Evesdroppers.

EVesdroppers sont tiels queux estoient desouth Mures ou Fenestres per nuit ou jour a oyer novels, & a carrier eux al auters, a faire strife & debate inter leur Vicines: ceux sont male members en le Common-wealth, & pur ceo per le Stat. de Westm. 1. c. 33. sont destre punie.

Et cest Misdemeanour est presentable & punishable en le Court-Leet. Kitch. f. 11.

Evidence.

Evidence est use generalment pur ascun Proof, soit il per le Testimonie de homes ou pur Escript. Sir Tho. Smith, l. 2. c. 17. ceo usa en ambideux senses en ceux parols; Evidence est authentique Escripts de Contratts, selonque la manner de Angleterre, cest adire, escrie, enseale, & deliver.

Et l. 2. c. 23. parlant del Prisoner que estoia al Barre a plead pur son vie, & de ceux que chargea luy ove Felonie, ainsi; Donque il monstre qui il

peut

poit dire ; puis luy auxi tous ceux queux fueront al Apprehension del Prisoner, ou que poient doner ascuns Indices ou Tokens, queux nous appellomus en nostre parlance Evidence envers le Malefactor.

he can say ; after him also all those who were at the Apprehension of the Prisoner, or who can give any Signs or Tokens, which we call in our Language, Evidence against the Malefactor.

Exaction.

EXaction est un tort fait per un Officer, ou per un pre-tendant de aver authorite, en demandant ou prenant ascun Reward ou Fee pur cell matter, cause, ou chose, que le Ley ne pas allowa.

Le difference perenter *Exaction* & *Extortion* est ceo : *Extortion* est, lou un Officer demanda & extorte un greinder Summe ou Reward que son voier Fee : Et *Exaction* est, lou un Officer ou auter home demanda & urger un Fee ou Reward, lou nul manner de Fee ou Reward est due. Veies *Extortion*.

Examiners en le Chancerie.

EXaminers en le Chancerie, Examinatores in Cancellaria, sont deux Officers que examinent, sur Serement, les testimoignes, produce per ambideux parties, sur tiels interrogatories que les parties en ascun Suit exhibent a cel purpose ; & ascuns foits les parties mesmes sont per particular ordre examine auxy per eux. Autre foits la fuit un Examiner en le Star-Chambre. mes cest Court esteant abolie, l'Office & Officer sont extinguishe.

Exaction.

EXaction is a Wrong done by an Officer, or by one pretending to have Authority, in demanding or taking any Reward or Fee for that Matter, Cause or Thing, which the Law allows not.

The Difference between *Exaction* and *Extortion*, is this : *Extortion* is, where an Officer demands and extorts a greater Sum or Reward than his just Fee : And *Exaction* is, where an Officer or other Man demands and wrests a Fee or Reward, where no Fee or Reward is due at all. See *Extortion*.

Examiners in Chancery.

EXaminers in Chancery, Examinatores in Cancellaria, are two Officers that examine upon Oath the Witnesses produced on either Side, upon such Interrogatories as the Parties in any Suit do exhibit to that Purpose ; and sometimes the Parties themselves are by particular Order examin'd also by them. Heretofore there was such an Examiner in the Star-Chamber, but that Court being abolished, the Office and Officer are extinct.

Exception.

Exception.

EXception is a Bar or Stay to an Action; and is divided into Exception dilatory, and peremptory. Of these two see Bracton, l. 5. tract. 5. and Britton, c. 91, 92.

Exception.

EXception est un Barre ou Stoppe a un Action; & est divide en exception dilatorie, & peremptorie. De ceux ambideux veies Bracton, l. 5. tract. 5. & Britton, c. 91, 92.

Exchange.

EXchange is, where a Man is seised of certain Land, and another is seised of other Land, if they by a Deed indented, or without Deed, if the Lands be in one County, exchange their Lands, so that each of them shall have other Lands to him so exchanged in Fee, Fee-tail, or for Term of Life, that is called an Exchange, and is good without Livery and Seisin.

In Exchange the Estates to them limited must be equal; for if one should have an Estate in Fee in his Land, and the other an Estate in the other Land but for Term of Life, or in Tail, such Exchange is void; but if the Estates be equal, though the Lands be not of equal Value, yet the Exchange is good. Also an Exchange of Rent for Land is good. And an Exchange between Rent and Common is good, and that ought to be by Deed. Also it behoves always that this Word Exchange be in the Deed, or else nothing passes by it, except he have Livery and Seisin.

Exchange.

EXchange est, lou un home est seisie de certain Terre, & un autre est seisie de autre Terre, si ils per un Fait indent, ou sans Fait, si le Terres sont en un Countie, exchange leur Terres, issint que chescun d'eux avera auters Terres a luy issint exchange en fee, en fee-taille, ou a terme de vie, ceo est appel un Exchange, & est bone sans Liverie & Seisin.

En Exchange il covient que les Estates a eux limit sont egals; car si un averoit Estate en fee en sa Terre, & l'auter Estate en autre Terre forsque pur term de vie, ou en taile, tiel Exchange est void; mes si les estates sont egal & les Terres ne sont de egal value, uncore le Exchange est bone. Auxy un Exchange de Rent pur Terre est bone. Et Exchange inter Rent & Common est bone, & ceo covient estre per Fait. Auxy il covient tous foirs que cest parol Exchange soit en le Fait, ou autrement rien passa per la, sinon que il ayt Liverie & Seisin.

Exchequer.

EXchequer. See Exchequer.

Exchequer.

EXchequer. Veies Eschequer.

Excommengement.

EXcommengement est adire en *Latins Excommunicatio*, & est lou un home per la judgment en Court Christian est *Excommenge*, per quel il est disable de suer aucun Action en Court le Roy; & sil remaine *Excommenge* xl. jours, & ne voile este justifie par son Ordinarie, donques le Evesque mandera son Letter al Chancelour, de certifier le *Excommunication* ou Contempt; & sur ceo serra command al Viscount de prendre le corps le *Excommenge*, per un Brief appel *De Excommunicato Capiendo*, jesque il ad fait gree al saint Esglise pur le Contempt & tort; & quand il est justifie, le Evesque maundra ses Letters al Roy, certificant ceo; & donques serra maunde al Viscount de luy deliver, per un Brief appel *Excommunicato deliberando*. Veies le Statute 5 Eliz. cap. 23.

Excommunicato recipiendo.

CEO est un Brief per ont persons *excommunicate* esteant pur leur obstinacy commit al prison, & illegalment deliver a ceo, devant que ils avont doner caution al obeyer le Authority del Esglise sont de estre enquire & commit arere, Reg Orig. fol. 87.

Excommunication.

EXcommunication, Veies *Excommengement*.

Excommengement.

EXcommengement is to say in Latine, *Excommunicatio*, and it is where a Man by Judgment in Court Christian is *Excommenged*, by which he is disabled to sue any Action in the King's Court; and if he remain *Excommunicate* xl. Days, and will not be justified by his Ordinary, then the Bishop shall send his Letter Patent to the Chancellor to certify this *Excommunication*, or Contempt; and thereupon the Sheriff shall be commanded to take the Body of him that is accursed, by a Writ called, *De Excommunicato capiendo*, till he hath made Satisfaction to Holy Church for the Contempt and Wrong; and when he is justified, the Bishop shall send his Letters to the King, certifying the same; and then the Sheriff shall be commanded to deliver him by a Writ called *Excommunicato deliberando*. See the Statute 5 Eliz. cap. 23.

Excommunicato recipiendo.

THIS is a Writ whereby Persons *excommunicate*, being for their *Obstinacy* committed to Prison, and unlawfully delivered from thence, before they have given Caution to obey the Authority of the Church, are to be sought for and laid up again, Reg. Orig. fol. 87.

Excommunication.

EXcommunication. See *Excommengement*.

Execution.

Execution is, where Judgment is given in any Action, that the Plaintiff shall recover the Land, Debt, or Damages, as the Case is; and when any Writ is awarded to put him in Possession, or to do any other Thing whereby the Plaintiff should the better be satisfied his Debt or Damages, that is called a Writ of Execution; and when he hath the Possession of the Land, or is paid the Debt or Damages, or hath the Body of the Defendant awarded to Prison, then he hath Execution. And if the Plea be in the County, or Court-Baron, or Hundred, and they defer the Execution of the Judgment in Favour of the Party, or for other Cause; the Demandant shall have a Writ De Executione Judicii.

Note, that in a Writ of Debt a Man shall not have Recovery of any Lands, but of those which the Defendant hath the Day of the Judgment yielded. And of Chattels, a Man shall have Execution only of the Chattels which he hath the Day of the Execution sued.

Executione facienda.

Executione facienda is a Writ commanding Execution of a Judgment; the divers Uses whereof see in the Table of the Reg. Judic.

Executor.

Executor is, when a Man makes his Testament and last Will, and therein names the Person that shall execute his Testament, that is his Executor, and is as much in the Civil Law as *Hæres designatus*, or

Execution.

Execution est, lou Judgement est done en aucun Action, que le Plaintife recouvrera le Terre, le Det, ou Dammages, come le case est; & quand aucun Brief est agard de luy mitter en possession, ou de faire aucun chose per que le Plaintife ferra le mieux satisfie son Det ou Dammages, ceo est appel Brief d'Execution; & quand il ad le Possession de le Terre, ou est pay le Det ou Dammages, ou ad le Corps le Defendant agard al prison, donques il ad Execution. Et si le Plee soit en Countie, ou Court-Baron, ou Hundred, & ils delaient le Execution del Judgment en favour de partie, ou pur auter encheafon; le Demandant a vera Brief De Executione Judicii.

Nota, que en Brief de Det home navera Recoverie de aucun Terre, mes de ceux que le Defendant avoit jour de Judgment rendue. Et de Chateux, home a vera Execution solement des Chateux queux il avoit jour de Execution sue.

Executione facienda.

Executione facienda, est un Brief commandant Execution de un Judgment; le divers uses de quel veies en le Table de Reg. Judic.

Executor.

Executor est, quand un home fait son Testament & darreine Volunt, & en ceo nosme le person que executera son Testament, il est son Executor, & est a tant en le Civil Ley come *Hæres designatus*, vel

Testamentarius, come al Dets, Biens & Chattels son Testator; & tiel *Executor* avera Action, vers chescun Dettor de son Testator; & si le *Executor* ad Assets, chescun a que le Testator fuit indett avera Action vers le *Executor*, si ad Obligation ou Especialtie; mes en chescun case lou le Testator puiſſoit gager son Ley, nul Action gilt vers *Executor*. Veies p'uis de ceo devant *Titulo Administrators*.

Et si ascun auter person nient fait *Executor*, prist ou vend les biens del mort, poet estre sue come *Executor* de son tort en mesme le forme come auters *Executors*. Vide Stat. 30 Car. 2. cap. 7.

Exemplification.

EXemplification est, ou home voile aver ascun Original Record transcript & *exemplifie* hors del Court leu il remaine, a quel purpose il poit aver un Brief, come appiert per le *Reg Orig. fol. 290*.

Et si home voile pleader un Record en auter Court que ceo lou il remaine, il covient a luy de aver *exemplifie* south le Grand Seale de *Angleterre*; car si soit *exemplifie* south le Seale de Common Banke, Exchequer, ou semblables, ceo ne servera, forsque en Evidence al Jurie. Veies Co. l. 5. f. 53.

Veies le Stat. 13 Eliz. cap. 6. & 23 El. 3. le force & use de Exemplifications de Patents, &c. Veies Constat.

Testamentarius, as to Debts, Goods and Chattels of his Testator: And such an *Executor* shall have an Action against every Debtor of his Testator; and if the *Executor* hath Assets, every one to whom the Testator was in Debt, shall have an Action against him, if he have an Obligation or Specialty; but in every Case where the Testator might wage his Law, no Action lies against the *Executor*. See hereof before in the Title *Administrators*.

And if any other Person not made *Executor*, take or sell the Goods of the deceased, he may be sued as *Executor* of his own Wrong, in the same Form as other *Executors*. See the Statute of 30 Car. 2. cap. 7.

Exemplification.

EXemplification is, when a Man will have any Original Record written out and exemplified south of the Court where it remains, to which Purpose he may have a Writ, as appears by the *Reg. orig. f. 290*.

And if a Man will plead a Record in other Court than where it remains, it behoves him to have it exemplified under the Great Seal of England; for if it be exemplified under the Seal of the Common Pleas, Exchequer, or such like, it will not serve, unless in Evidence to a Jury. See Coke, l. 5. f. 53.

See the Statute of 13 Eliz. cap. 6. and 23 El. 3. the Force and Use of Exemplifications of Patents, &c. See Constat.

Exemption.

EXemption is a Privilege to be free from Service or Appearance; and therefore a Baron and Baroness, by Reason of their Dignity, are exempted to be sworn upon any Inquest. Co. 1. 6. fo. 53.

Also Knights, Clerks, and Women are exempted to appear at Leets, or the Sheriff's Tourn: And that is by the Statute of Marlebridge, c. 10.

And a Man may be exempted from being put upon Enquests and Juries by the King's Letters Patents; as the President and College of Commonalty of Physicians in London, were by the Letters Patents of King H. 8. Coke, 1. 8. f. 108.

Ex gravi querela.

EX gravi querela. See before in the Title Devise.

Exigent.

EXigent is a Writ that lies where a Man sues an Action personal, and the Defendant cannot be found, nor hath any Thing within the County whereby he may be attached or distrained; then this Writ shall go forth to the Sheriff, to make Proclamation at five Counties, every one after another, that he appear, or else that he shall be outlawed: And if he be outlawed, then all his Goods and Chattels are forfeit to the King. In an Indictment of Felony the Exigent shall go forth after the first Capias. And in a Capias ad Computandum, or ad satisfaciendum, and in every Capias that goes forth after Judgment, the Exigent shall go forth after the first Ca-

Exemption.

EXemption est un privilege destre Franke de Service ou Appearance: & pur ceo un Baron & Baroness, pur reason de leur Dignitie, sont exempts destre jure sur ascun Enquest. Co. 1. 6. f. 53.

Auxy Chivalers, Clerks & Femmes sont exempts d'appareir al Leets ou Tourne del Visc: Et ceo est per le Statute de Marlebridge, c. 10.

Et home poit estre exempt destre mis sur Enquests ou Juries per les Letters Patents le Roy; come le President & Colledge ou Gommunaltrie de Physicians en Londres fueront per les Letters Patents del Roy H. 8. Coke, 1. 8. f. 108.

Ex gravi querela.

EX gravi querela. Veies devant Tit. Devise.

Exigent.

EXigent est un Brief que gist lou home sue Action personal, & le Defendant ne poit este trove, ne ad riens deins le Countie per que il puit este attach ou distreine, donques cest Brief issira al Viscount, de faire Proclamation al cinque Counties, chescun apres auter, que il appare, ou autrement il serra utlage; & si soit utlage, donques tous ses biens & chateux sont forfeits al Roy. En un Endictment de Felonie le Exigent issira apres le primer Capias. Et en Capias ad computandum ou ad satisfaciendum, & en chescun Capias que issist apres Judgment, l' Exigent issira apres le primer Capias. Et auxy en Appeal de Mort;

mes nemy en Appeal de Robberie ou Mayhem.

Ove ceo *Exigent* issuint un brief per le Stat. 13 *El. cap. 3.* a fair trois Proclamations envers le Defendant, quel ne est en *Exigents* puis Judgment.

Exigenter.

EXigenter est un Officer del Common Plees, & de ceux sont quatre. Ils font tous *Exigents* & Proclamations en tous Actions en queux proces d'Uclagarie gist. Et ils font Briefs de *Superfedeas* cybien come les Protonotaries sur tiels *Exigents* come fueront faits en leur Office. Et de cest Officer mention est fait en les Statutes de 10 H. 6. c. 4 & 18 H. 6. c. 9.

Ex mero motu.

EX mero motu sont parols usualment mis en les Charters le Roy, per queux il implie, que il fait ceo que est conteine en le Charter de son volunt & motion demesne, sans Prier ou Suggestion fait per aucun autre. Et l'effect de ceux parols est, d'ouster tous Exceptions que poieront este prise al Instrument en que ils sont conteins, per alledger, que le Roy en donant de cest Charter fuit abuse per aucun faux Allegation. *Kitch. f. 151.*

Et quand un Charter le Roy ad en ceo ceux parols, il serra prise plus fortment vers le Roy; pur que si le Roy pardon B. tous ses Dets *ex mero motu*, routs Dets que B. doit come Viscount sont per ceo pardon; & en mesme le man-

pias. And also in Appeal of Death; but not in an Appeal of Robbery or Mayhem.

With this *Exigent* issuint also a Writ by the Statute of 13 *El. cap. 3.* to make three Proclamations against the Defendant, which is not in *Exigents* after Judgment.

Exigenter.

EXigenter is an Officer of the Common Pleas, of which there are four. They make out all *Exigents* and Proclamations in all Actions, in which Process of Outlawry lies. And they make Writs of *Superfedeas*, as well as the Protonotaries upon such *Exigents* as were made in their Office. Of this Officer there is mention made in the Statutes of 10 H. c. 4. & 18 H. 6. c. 9.

Ex mero motu.

EX mero motu are Words frequently used in the King's Charters, whereby he signifies, that he doth that which is contained in the Charter of his own Will and Motion, without Petition or Suggestion made by any other. And the Effect of these Words is, to bar all Exceptions that might be taken to the Instrument wherein they are contained, by alledging, that the King in passing that Charter was abused by any false Suggestion. *Kitch. f. 121.*

And when the King's Charter hath therein these Words, it shall be taken most strongly against the King; therefore if the King, *ex mero motu*, pardon to B. all his Debts, all the Debts that B. owes as Sheriff are by this pardoned; and in like

like Manner it is in many other Cases, where these Words shall be taken as strongly against the King, as if a common Person had made the Grant. See Coke, l. 1. f. 45.

Ex parte talis.

EX parte talis. See before, Tit. Account.

Expectant.

EXpectant is used in the Common Law with this Word Fee, and thus it is opposite to Fee-simple : For Example, Lands are given to a Man and his Wife in Frank-Marriage, To Have and to Hold to them and their Heirs : In this Case they have Fee-simple : But if Lands be given to them and the Heirs of their Body, &c. they have Tail and Fee expectant. Kitchin, fol. 153.

Expeditate.

EXpeditate is a Word often used in the Forest, signifying to cut out the Balls of great Dogs Feet, for Preservation of the King's Game. And one of the Articles to be enquired touching the Forest, is, If all great Dogs or Mastives in the Forest are Expeditated, according to the Laws of the Forest ; and if any be not, the Owner of every such Dog shall forfeit to the King three Shillings and four Pence, Crompt. Jurisd. fol. 152. Manwood uses the same Word, and (part. 1. of his Forest Law, fol. 212.) sets down the Manner of Expeditating Dogs heretofore, which was, that the three Claws of the Fore-foot on the Right Side shall be cut off by the Skin ; whereunto he also adds out of the Ordinance

ner est en plusieurs autres cas, ceux patols serra prise cy fort vers le Roy, come si un Common Person ad fait le Graunt. Veies Coke, l. 1. f. 45.

Ex parte talis.

EX parte talis. Veies devant Tit. Account.

Expectant.

EXpectant est use en le Common Ley ove cest Parol Fee, & ainsi il est opposite al Fee-simple : Pur Exemple, Terres sont done a un home & son Feme en Franc-mariage, a aver & tener as eux & leurs Heires : En ceo Case ils ont Fee-simple : Mes si Terres sont done as eux & les Heirs de leur Corps, &c. ils ont Tail & Fee expectant. Kitchin, fol. 153.

Expeditate.

EXpeditate est un parol plusieurs foits use en le Forrest, impliant de prender hors les Balls des pees de grand Chiens, pur le preservation de Sporte le Roy. Et un des Articles destre enquire concernant le Forrest est, Si tous grand Cheins ou Mastives deins le Forrest sont expeditate, accordant al Leys del Forrest ; & si ascuns ne sont, l'Owner de chescun tiel Chien forfeitera al Roy trois soulds & quater deniers, Crompt. Jurisd. fo. 152. Manwood usast mesme le parol, & (part. 1. de son Forrest Ley, fol. 212.) relata le ancient manner de expeditating de Chiens, que fuir, que les trois Ortelles del Primer pee del dexter latere serront abscindus per le pelle ; a que il auxy adde

hors del Ordinance appel le *Affise del Forrest*, que mesme le manner de *expeditating* des Chiens sera jammes use & observe, & nul autre. *Quere* de que il surde que *Crompton* & il differont; le un disant que le Ball del pee est absconde; le autre, que les trois primer Ortilles sont desumus per le pelle.

called the *Affise of the Forest*, that the same Manner of *Expeditating Dogs* shall be still used and kept, and none other. *Quere* whence it arises, that *Crompton* and he differ; the one saying the Ball of the Foot is cut out; the other, that the three Fore-Claws are cut off by the Skin.

*Expensis Militum
levandis.*

E*xpensis Militum levandis* est un Brief direct al Viscount pur levier le Allowance pur Chivalers del Parliament, *Reg. orig. fo. 191. b.* Et *Expensis Militum non levandis ab hominibus de Antiquo Dominico, nec a Nativis*, est un Brief de prohiber le Viscount de levier aucun Allowance pur les Chivalers del County sur tiels queux tiendront en Ancient Demesne, &c. *Ibidem, fol. 261. b.*

Extend.

E*xtend* est, appraiser les Terres ou Tenements de un oblige per Statute, &c. que ad ceo forseite, & deliverer eux al Conusee a tiel endifferent rate, come per le annuel Profits le Conusee en temps poit estre satisfe son Det. Veies *Fitz. N. B. fol. 131 & Cok. lib. 4. fol. 67. Fulwood's Case.*

Extendi Facias.

E*xtendi facias* est un Brief communement appel *Brief de Extent*, per que le value del Terre, &c. est commande de estre fait & levy en divers Cases, quel vies en le Table del Register Original.

*Expensis Militum
levandis.*

E*xpensis Militum levandis* is a Writ directed to the Sheriff for levying the Allowance for the Knights of the Parliament, *Reg. orig. fol. 191. b.* And *Expensis Militum non levandis de hominibus, de Antiquo Dominico, nec a Nativis*, is a Writ to prohibit the Sheriff to levy any Allowance for the Knights of the County upon such as hold in Ancient Demesne, &c. *Ibid. fol. 261. b.*

Extend.

E*xtend* is, to value the Lands or Tenements of one bound by Statute, &c. that hath forseited it, and to deliver them to the Conusee at such indifferent Rates, as that by the yearly Profits the Conusee in time may be satisfied his Debt. See *Fitz. Nat. B. fol. 131. and Coke, lib. 4. fol. 67. Fulwood's Case.*

Extendi Facias.

E*xtendi facias* is a Writ commonly called a Writ of Extent, whereby the Value of Land, &c. is commanded to be made and levied in several Cases, which see in the Table of the Register of Writs.

Extent.

Extent.

Extent has two Significations: The one is a Writ of Commission to the Sheriff for the Valuing of Lands or Tenements; the other, the Act of the Sheriff or other Commissioner upon the Writ. Brooke, tit. Extent. fol. 313.

Extinguishment.

Extinguishment is, where a Lord, or any other, hath any Rent or Service going out of any Land, and he purchases the same Land, so that he hath such Estate in the Land as he had in the Rent; then the Rent is extinct, for that one may not have Rent going out of his own Land. Also when any Rent shall be extinct, the Land and the Rent must be in one Hand, the Estate indefeasible, and he have as good Estate in the Land as in the Rent; for if he have Estate in the Land but for Life or Years, and hath Fee-simple in the Rent, then the Rent is not extinct, but in Suspence for that Time, and after the Term the Rent is revived.

If there be Lord, Mesne, and Tenant, and the Lord purchase the Tenancy, the Mesnalty is extinct; but the Mesne shall have the Surplusage of the Rent, if there be any as Rent-seck. Also if a Man have a High-way appendant, and after purchase the Land wherein the High-way is, then the Way is extinct: And so it is of a Common appendant.

Extent.

Extent ad deux significations: Le un est un Brief ou Commission al Viscount pur le valuing del Terres ou Tenements; l'auter, l'act del Viscount ou auter Commisioner sur mesme Brief. Brooke, tit. Extent, fol. 313.

Extinguishment.

Extinguishment est, lou un Seignior, ou ascun auter ad ascun Rent ou Service issuant de ascun Terre, & il purchase mesme le Terre, issint que il ad tiel Estate en le Terre come il avoit en le Rent; donques le Rent est extinct, pur ceo que un ne poit aver Rent issuant hors de son Terre demesne. Auxy quand ascun Rent serra extinct, il covient que le Terre & le Rent sont en un maine, & auxy que l'Estate que il ad ne soit defeasible, & auxy que il ayt auxi bone Estate en le Terre come en le Rent; car sil ad Estate en le Terre forsque pur vie ou pur ans, & ad un Fee-simple en le Rent, donques le Rent nest extinct, mes est en suspence pur cel temps, & apres le terme le Rent est revive.

Si soit Seignior, Mesne, & Tenant, & le Seignior purchase le Tenancie, le Mesnaltie est extinct; mes le Mesne avera le surplusage del Rent, si ascun soit, come Rent-secke. Auxy si home ad Chimin appendant, & puis purchase le Terre en que le Chimin est, donques le Chimin est extinct; & issint est de un Common appendant.

Extirpatione.

Extirpatione est un Brief judicial que gist vers luy qui puis verdict done vers luy pur Terres, maliciousment subvert ascun Huise sur ceo, &c. Et est duplex, scil. *Ante Judicium*, & *post Judicium*. Vid. Reg. Judic. fol. 13, 56, 58.

Extortion.

Extortion est un Tort fait per un Officer, Ordinary, Archdeacon, Official, Major, Bailife, Viscount, Escheator, South - Viscount, Coroner, Gaoler, ou autre Officer, *Colore Officii sui*, en prenant excessive Reward ou Fee pur execution de son Office, ou autrement; & nest autre chose en fait que plaine Robberie, mespluis odible que Robberie; car Robberie est apparant, & tout temps ad ove luy le countenance de Vice; mes *Extortion*, esteant cy hault Vice que Robberie est, port ove luy un countenance del Vertue, per reason de quel il est le pluis dure destre trie ou discerne, & pur ceo le pluis odible. Et uncore ascuns il y ad que ne voiloient demurre mes stretch leur Office, Credit, & Conscience, pur purchaser Money, cybien per Extortion come autrement, accordant al disant de le Poet Virgil, *Quid non mortalia pectora cogis, Auri sacra fames?*

Extrajudicial.

Extrajudicial est quand Judgment est done en un Cause ou Case nient dependant en tiel Court lou tiel Judgment est done, ou en que le Judge ne avoit Jurisdiction.

Extirpatione.

Extirpatione is a Turrit judicial that lieth against him, who after Verdict given against him for Land, &c. doth maliciously overthrow any House upon it, &c. And is twofold, viz. *Ante Judicium* & *post Judicium*. See Reg. judic. fol. 13, 56, 58.

Extortion.

Extortion is a Wrong done by any Officer, Ordinary, Archdeacon, Official, Mayor, Bailiff, Sheriff, Escheator, Coroner, Under-Sheriff, Gaoler, or other Officer, by colour of his Office, by taking excessive Reward or Fee for Execution of his Office, or otherwise; and is no other Thing indeed than plain Robbery, or rather more odious than Robbery; for Robbery is apparant, and always hath with it the Countenance of Vice; but Extortion, being as great a Vice as Robbery is, carries with it a Countenance of Vertue, by Means whereof it is the more hard to be tried or discerned, and therefore the more odious. And yet some there are that will not stick to stretch their Office, Credit, and Conscience, to purchase Honoy, as well by Extortion as otherwise, according to the Saying of the Poet Virgil, What is it that the greedy Thirst of Gold doth not constrain Mortals to attempt?

Extrajudicial.

Extrajudicial is when Judgment is giben in a Cause or Case not depending in that Court where such Judgment is giben, or wherein the Judge hath not Jurisdiction.

Extra-

Extraparochial.

EXtraparochial is to be out of any Parish, or to be privileged or exempt from the Duties of a Parish. Stat. 22 & 23 Car. 2.

Extraparochial.

EXtraparochial est de estre hors de aucun Parish, ou destre privilege ou exempt del Duties de un Parish. Stat. 22 & 23 Car. 2.

F.

Faculty.

Faculty is a word often used in the Statute of 25 Hen. 8. cap. 21. and it signifies a Privilege or special Dispensation granted unto a man by favour and indulgence, to do that which by the Law he cannot do; as to eat Flesh upon days forbidden, or to hold two or more Ecclesiastical Livings, and the like. And for the granting of these Faculties, there is a special Officer under the Archbishop of Canterbury, called, The Master of the Faculties.

Failing of Record.

FAiling of Record is, when an Action is brought against one, who pleads any matter of Record, and avers to prove it by the Record; and the Plaintiff saith there is no such Record; whereupon the Defendant hath day given him to bring in the Record; at which day he fails, or brings in such a one as is no Bar to this Action; then he is said to fail of his Record: and thereupon the Plaintiff shall have Judgment to recover, &c.

F.

Faculty.

Facultie est un parol plusors fois use en le Statute de 25 H. 8. c. 21. & il signifie un Privilege ou special Dispensation grant al home per favor & indulgence, de faire ceo que per le Ley il ne puit faire; sicome de manger Chaire en jours prohibits, ou pur tener deux ou plusors Ecclesiastical Benefices ensemble, &c. Et pur le grant de ceux Faculties la est un especial Officer desouth l'Archevesq; de Canterburie, que est appel le Master des Faculties.

Failer de Record.

FAiler de Record est, quant un Action est port envers un, que plede aucun matter de Record, & averre de ceo prove per le Record; & le Plaintife dit nul tiel Record; sur que le Defendant ad jour don a luy pur amesne eins le Record; a quel jour il faile, ou mesne eins un tiel que nest Barre al cest Action: donques il est dit pur failer de son Record; & sur ceo le Plaintife avera Judgment de recoverer.

Faint } Action,
 } Pleader.

FAint Action (come Littleton, fol. 154. dit) est autant a dire en Anglois, un Fained Action, cest a sçavoir, tiel Action, que coment que les parols de le Brief sont voyer, uncore pur certain causes il nad tittle per la Ley de recover per mesme l' Action: Et Faux Action est, lou les parols del Brief sont faux. **F**aint Faint Pleader est un covinous, faux & collusorie maner de Pleading, al deceipt de un tierce partie. Et encounter tiel Faint Pleader, ent' auters choses, le vieux Statute en 3 E. 1. c. 29. semble destre fait.

Fait.

Fait est un Escript enseale & deliver, a prover & testifier l'Agreement del partie quel Fait il est al chose containe en le Fait: Come un Fait de Feoffment est un Prove del Liverie de Seisin, car le Terre passe per le Liverie de Seisin; mes quant le Fait & le Liverie est joynte ensemble, cest un Prove del Liverie, & que le Feoffor est content, que le Feoffee avera le Terre.

Touts Faits sont ou Indent, de quel sont deux, trois ou plusors parties, come le case require; de que le Feoffor, Grantor, ou Lessor ad un; le Feoffee, Grantee, ou Lessee, un auter, & peradventure asc' aut person auxy un tierce, &c. Ou autrement ils sont Faits Poll, single & forque un, le quel le Feoffee, Grantee, ou Lessee ad, &c. Et chescun Fait consist de trois principal choses,

Faint } Action,
 } Pleading.

FAint Action (as Littleton, fol. 154. saith) is ss much as to say in English, a Fained Action, that is, such Action, as though the Words of the Writ be true, yet for certain Causes he hath no Title by the Law to recover by the same Action: And a false Action is, where the Words of the Writ are false. So Faint Pleading is a covinous, false, and calulsoy Manner of Pleading, to the Deceit of a third Party. And against such Faint Pleading amongst other Things, the old Statute in 3 E. 1. cap. 29. seems to be made.

Deed.

DEed is a Writing sealed and delivered, to prove and testifie the agreement of the Party whose Deed it is to the Thing contained in the Deed; as a Deed of Feoffment is a Proof of the Libery of Seisin, for the Land passes by the Libery of Seisin; but when the Deed and the Delibery are joyned together that is a Proof of the Libery, and that the Feoffor is contented that the Feoffee shall have the Land.

All Deeds are either Indented, whereof there are two, three, or more Parts, as the Case requires; of which the Feoffor, Grantor, or Lessor hath one; the Feoffee, Grantee, or Lessee another; and peradventure some other Body a third, &c. Or else they are Poll Deeds, single, and but one, which the Feoffee, Grantee or Lessee hath, &c. And every Deed consists of three principal Points, (without which it is no perfect Deed

Deed to bind the Parties) name-
ly Writing, Sealing, and Delivery.

1. By Writing is shewed the Parties Names to the Deed, their Dwelling-places, their Degrees, the Thing granted, upon what Considerations, the Estate limited, the Time when it was granted, and whether simply, or upon Condition, with other such like Circumstances. But whether the Parties to the Deed write in the End their Names, or set to their Marks, (as it is commonly used) it matters not at all, (as I think) for that is not meant, where it is said, that every Deed ought to have Writing.

2. Sealing is a farther Testimony of their Consents to what is contained in the Deed; as it appears in these Words, *In Witness whereof, &c.* or to such Effect, always put in the latter End of Deeds, without which Words the Deed is insufficient.

And because we are about Sealing and Signing of Deeds, it shall not be much amiss here to shew you for Antiquity's Sake, the Manner of Signing and Subscribing Deeds in our Ancestors the Saxons Time, a Fashion differing from that we use now, in this, That they to their Deeds subscribed their Names, (commonly adding the Sign of the Cross) and in the End did set down a great Number of Witnesses, not using at that Time any kind of Seal: And we at this Day, for more Surety, both subscribe our Names, (though that be not very necessary) and put

(sans quel il nest perfect Fait. de lier les parties) nosmement, *Escripture, Sigillation, & Deliverye.*

1. Per *Escripture* est declare les Nosmes del parties al Fait, leur Habitations, leur Degrees, le Chose grauntus, sur queux Considerations, l'Estate limit, le Temps quant il suit grauntus, & si simplement, ou sur Condition, ove auters tiels semblables Circumstances. Mes si les parties al Fait escript en le fine escriont leur Nosmes, ou mis a ceo leur Markes, (come il est communement use) il ne fait ascun matter; (come jeo suppose) car ceo nest entende, ou il est dit, que chescun Fait covient de aver *Escripture*.

2. *Sigillation* est plus Testimonie de leur Consents al ceo contain en le Fait; come appiert per ceux parols, *In cuius rei Testimonium, &c.* ou a tiel effect, tous foits mis en le fine de Faits, sans queux parols le Fait est insufficient.

Et pur ceo que nous sumus en *Sigillation* & *Signing* de Faits, il ne serra dehors icy a monstre a vous, pur l'amour del Antiquite, le manner del *Signing* & *Subscribing* de Faits en nostre Ancestors le Saxons temps, un fashion different de ceo que nous use en ceux nostre jours, en ceo, que ils a leur Faits subscribe leur Nosmes, (comunement adding le Signe del Crosse) & en le fine mis un grand number de Testmoignes, nient usant a cel temps ascun manner de Sigil. Et nous a cest jour, par plus suretie, auxy bien subscribe nostre

stre Nosme, (nient obstant ceo nest mult necessarie) & mis nostre Sigille, & use le aide des Testmoignes auxy.

Cest primer fashion continue per tout tanque al temps del Conquest per les Normans, quel manners per petite & petite al darreine prevaile enter nous ; car le primer Charter Sigil en Angleterre est pense destre ceo del Roy Edward le Confessor, al Abbey de Westminster, que esteant educate en Normandie, port en cest Realme ceo & ascun auter de leur guises. Et apres le veniens de Guiliam le Conquerour, les Normans estimants de le Custome de leur Pays, (come naturellement tous Nations sont) rejeet le manner que ils trovont cy, & reteignent leur proper, come Ingulphus le Abbot de Croiland, que vient ove le Conquest, tesmoigne, dicens, *Normanni Chirographorum confessionem (cum crucibus aureis & aliis signaculis sacris in Anglia firmari solitam) in Ceram impressam mutant modumque scribendi Anglicum rejiciunt.* Mes nient obstant ceo ne fuit fait tout al un temps, mes il increase & vient eins per certain degrees : issint que primes & pur un season le Roy solement, ou un peu auter de le Nobilitie, use de Sigiller ; donques le Noble-homes pur le plus part, & nul auters. Quel chose un home poit veier en le Historie de Battel Abbey, lou Rich. Lucie Chief Justice de Angleterre, en la temps del Roy Hen. le Second, est report de aver blame un meane subject, pur ceo que il use un private Sigille, quant ceo per-

to our Seals, and use the Help of Witnesses besides.

That former Fashion continued absolute until the Time of the Conquest by the Normans, whose Manners by little and little at the length prevailed amongst us ; for the first Sealed Charter in England is thought to be that of King Edward the Confessor, to the Abbey of Westminster, who being educated in Normandy, brought into the Realm that and some other of their Fashions with him. And after the Coming of William the Conquerour, the Normans liking their own Country Custom, (as naturally all Nations do) rejected the Manner that they found here, and retained their own, as Ingulphus the Abbot of Croiland, who came in with the Conquest, witnesses, saying ; The Normans do change the making of Writings (which were wont to be firm'd in England with Crosses of Gold, and other holy Signs) into an Impression of Wax, and reject also the Manner of the English Writing. Howbeit, this was not done all at once, but it increased and came forward by certain Degrees ; so that first and for a Season the King only or a few other of the Nobility, used to seal ; then the Noble-men for the most part, and none other. Which Thing a Man may see in the History of Battle-Abbey, where Richard Lucie, Chief Justice of England, in the Time of King Henry the Second, is reported to have blamed a mean Subject, for that he used a private Seal, whereas that per-
tained

tained (as he said) to the King and Nobility only.

At which Time also (as J. Rosse notes it) they used to engrave in their Seals their own Pictures and Counterfeits, covered with a long Coat over their Armours, But after this, the Gentlemen of the better Sort took up the Fashion, and because they were not all Warriors, they made Seals engraven with their several Coats or Shields of Arms, for Difference sake, as the same Autho^r reports. At length about the Time of King Edward the third, Seals became very common; so that not only such as bear Arms used to seal, but other Men also fashioned to themselves Signets of their own Devices, some taking the Letters of their own Names, some Flowers, some Knots and Flourishes, some Birds and Beasts, and some other Things, as we now yet daily see used.

Some other Manners of Sealings besides these have been heard of among us; as namely, that of King Edward the third, by which he gave to Norman the Hunter,

The Hop and the Hop Town,
With all the Bounds upside
down:

And in Witness that it was
sooth,

He bit the Wax with his Fore-
Tooth.

The like to this was shewed me by one of my Friends in a loose Paper, but not very anciently written, and therefore he willed me to esteem of it as I thought good: It was as follows:

tain (come il dit) al Roy & Nobility solement.

A quel temps auxy (come J. Rosse nota ceo) ils use de engrave en leur Sigils leur Pictures demesne & counterfeits, cover ove longe Tunicle super leur Armours. Mes apres ceo les Gentlehomes del meliour sort prist le fashion, & pur ceo que ils ne fueront tous Guerriours, ils fesoient Sigills engrave ove leur several Coats ou Shields de Armes, pur difference, come mesme le Authour report. Al darreine, en temps del Roy Ed.

3. Sigils fueront mult common; issint que non solement tiels que portant Armes use de Sigiller, mes auters homes auxy fesoient al eux mesmes Signets de leur devises demesne, alguns prenant les lettres de leur nosmes demesne, asc' Flowers, asc' Knots & Flourishes, asc' Oyseaux & Beasts, & asc' auters choses, come nous ore encore journalment veiomus en use.

Ascuns auters manners de Sigillation ouster ceux ad este oye enter nous; come nosmement ceo del Roy Edward le tierce, per que il done al Norman le Hunter,

Le Hop, & le Hop-wille,

*Ove tous les bounds upside
down:*

*Et en testimoigne que il soit
verie,*

*Il morde le Cere ove son fore-
dent.*

Le semblable de cest fuit monstre a moy per un de mes amies en un loose charte, mes non mult ancientment escript, & pur ceo il voile moy que jeo esteema de ceo come jeo pense bien: Il fuit come ensuist.

*Jeo Guilliam King dona a
vous Powlen Royden ma Hop &
ma Hop-terres, ove tous les
bounds up & down, de Celo al
Terre, de Terre ad Infernum, pur
toy & vestres a demurrer de moy
& mes, al toy & vestres, pur
un Arc & un broad Sagit, quand
jeo veigne pur hunt sur Yarrow.
In testimoigne que ceo est veray,
Jeo morde cest Cere ove mon dent,
en presence de Magge, Maud, &
Margery, & mon tierce fitz
Henry.*

Item ceo de Alberick de Vere,
conteignant le Donation de
Hatfield, al quel il fixe un curt
noyer-haft Cuttle, semblable
al un vieux demy-denier whir-
rle, en steed de un Seal : ove
divers tiels semblaules.

Mes aucuns peradventure
voient pense que ceux fueront
receivre en common use & cus-
tome, & que ils ne fueront
les devises & pleasures de un
peu singular persons : tiels ne
sont meines deceivre que ils
que pensont chescun Charter
& Escrip, que ne ad Sigille
annexe, destre cy auintient
come le Conquest ; lou en ve-
ritie Sigillation ne fuit com-
munement use tanque al temps
del Roy Ed. 3. come ad este
dir.

3. *Deliverie*, nient obstant il
soit mis darreign, nest le mean-
est ; car apres que un Fait soit
escript & sigille, si ne soit de-
liver, tout le residue est a nul
purpose.

Et cest *Deliverie* doit estre
fait per le Partie luy mesme,
ou son sufficient Garrant ; &
issint il luy liera quecunque
escript ou sigil ceo ; & per
cest darreigne est le Fait est
fait perfect, accordant al en-
tent & effect de ceo ; & pur

I William King, give to thee
Powlen Royden my Hop and
my Hop - Lands, with all the
Bounds up and down, from Hea-
ven to Earth, from Earth to Hell,
for thee and thine to dwell, from
me and mine, to thee and thine,
for a Bow and a broad Arrow,
when I come to hunt upon Yar-
row. In witness that this is sooth,
I bite this Wax with my Tooth,
in the Presence of Magge, Maud,
and Margery, and my third Son
Henry.

Also that of Alberick de Vere,
containing the Donation of
Hatfield, to which he affixed a
short black-hafted Knife, like an
old Half-Peny Whittle, instead
of a Seal, with divers such
like.

But some peradventure will
think, that these were received
in common Use and Custom, and
that they were not the Devices
and Pleasures of a few singular
Persons : Such are no less de-
scribed than they that deem every
Charter and Writing, that hath
no Seal annexed, to be as an-
cient as the Conquest ; whereas
indeed Sealing was not com-
monly used till the Time of
King Edw. 3. as hath been al-
ready said.

3. Delivery, though it be set
last, is not the least ; for after a
Deed is written and sealed, if it
be not delivered, all the rest is
to no Purpose.

And this Delivery ought to be
done by the Party himself, or
his sufficient Warrant ; and so
it will bind him whosoever
wrote or sealed the same ; and
by this last Act the Deed is
made perfect, according to the
Intent and Effect of it ; and
there-

therefore in Deeds the Delibery is to be proved, &c.

Thus you see, Writing and Sealing, without Delibery, is Nothing to Purpose: Sealing and Delibery, where there is no Writing, work Nothing: And Writing and Delibery, without Sealing, make no Deed. Therefore they all ought jointly to concur to make a perfect Deed.

Faitour.

Faitour is a Word used in the old repealed Statute of 7 R. 2. cap. 5. and it is there taken in the worse Sense for an evil Doer, or an idle Companion, and it seems there to be a Synonymon to Vagabond.

Faldage.

Faldage is a Privilege which anciently several Lords reserved to themselves of setting up Folds for Sheep in any fields within their Manors, the better to manure them; and this not only with their own, but their Tenants Sheep, which they call *Setta Faldæ*. This Faldage in some Places is termed Fold course, or Free-fold, and in some old Charters *Fald-soca*, i. e. *Libertas Faldæ*, or *Faldagii*.

Falkland, or Folkland.

SEE Copyhold and Freehold.

Falso retorno Brevium.

Falso retorno Brevium, is a Writ which lies against the Sheriff for false Return of Writs, Reg Judic. fol. 43. b.

ceo en Faits le Deliverie est destre prove, &c.

Il s'ent poyes veyer, Escrip-ture & Sigillation, sans Deliverie, est a nul purpose: Sigillation & Deliverie, l'un nest aucun Escrip-ture work nul chose: Et Escrip-ture & Deliverie, sans Sigillation auxy, fait nul fait. Et pur ceo ils tous doient jointment concuer pur faire un perfect Fait.

Faitour.

Faitour est un parol que est use en le vieux repeale Statute de 7 R. 2. cap. 5. & est la prise en le pire sense, pur un Male feafor, ou un Oisif companion, & semble icy destre un Synonymon al *Vagabond*.

Faldage.

Faldage est un privilege que ancientment diverse Seigneurs reservont a luy mesmes pur erecting de Folds pur leur berbits en aucun agers deins leur Mannor pur le melieur manuring de ceo, & ceo non solement ove leur propres, mes auxi leur Tenants berbits, quel ils appellont *Setta Faldæ*. Cest *Faldage* en aucun lieux est appel *Fold course*, ou *Free fold*, & en vieux Charters *Fald-soca*, i. e. *Libertas Faldæ*, ou *Faldagii*.

Falkland, or Folkland.

VEIES Copyhold & Freehold.

Falso retorno Brevium.

Falso retorno Brevium est un Brief que gist vers le Viscount pur false Return del Briefs. R g Judic. fol 43. b.

Fardingdale.

Fardingdale, autrement *Farrundel*, de Terre, implia le Quart Part de un Acre, *Cromp. Jurisd. fol. 220. b. Quadrantata terra* est lie en le *Reg. orig. fol. 1. b.* lou vous aves auxy *Denariata & Obolata, Solidata & Librata terra*, que per probabilitie surderoit en proportion de quantitie de *Fardingdeal*, come un Male, Denier, Soulz, ou Liver surdout en value & estimation; donque *Obolata* est un Demy Acre, *Denariata* le Acre, *Solidata* Douze Acres, & *Librata* Douze score Acres. Uncore en le *Reg. orig. fol. 94. & 248.* vous poyes trove *viginti Libratas terra vel redditus*; per que il semble que *Librata terra* est tanti que dona vigint soulz per le an; & *centum Solidatas terrarum, tenementorum, & reddituum. fol. 249.* Et en *F. N. B. fol. 87.* la sont ceux parols, *Viginti Libratas terra vel redditus*, que prova ceo destre tant Terre come est rate al vigint soulz per le an. Veies *Furlong*.

Farme, ou Ferme.

Farme, ou Ferme, est usuellement le chief Messuage en un Village ou Town, a que apertinent grand Demeans de tous sorts, & ad este use destre lessé pur terme de vie, ans ou a volunt.

Le Rent que est reserve sur tiel Lease, ou semble est appelle *Farme* ou *Ferme*.

Et *Farmour*, ou *Fermour*, est celui que occupia le *Farme* ou *Ferme*, ou est Lessee de ceo.

Fardingdeale.

Fardingdeal, otherwise *Farrundel*, of Land, signifies the Fourth Part of an Acre, *Cromp. Jurisd. fol. 220. b. Quadrantata terra* is read in the *Reg. orig. fol. 1. b.* where you have also *Denaria* and *Obolata, Solidata* and *Librata terra*, which by Probability must rise in Proportion of Quantity, from *Fardingdeal*, as a *Half Penny, Penny, Shilling, or Pound*, rise in Value or Estimation; then must *Obolata* be Half an Acre, *Denariata* the Acre, *Solidata* Twelve Acres, and *Librata* Twelve score Acres. Yet in the *Reg. orig. fol. 94, and 248.* You may find *viginti Libratas terra vel redditus*; whereby it seems that *Librata terra* is as much as yields Twenty Shillings by the Year, and *centum Solidatas terrarum, tenementorum, & reddituum, fol. 249.* And in *F. N. B. fol. 87.* there are these Words, *Viginti Libratas terra vel redditus*, which proves this to be so much Land as is rated at Twenty Shillings by the Year. See *Furlong*.

Farm, or Ferm.

Farm, or Ferm, is usually the chief Messuage in a Village, or Town, whereto belongs great Demeans of all Sorts, and hath been used to be let for Term of Life, Years, or at Will.

The Rent that is reserved upon such a Lease, or the like, is called *Farm*, or *Ferm*.

And *Farmor*, or *Fermor*, is he that tenants the *Farm*, or *Ferm*, or is Lessee thereof.

Also generally every Lessee for Life, Years, or at Will, is called *Farmor*, or *Fermor*.

And note, That they are called *Farms*, or *Ferms*, of the Saxon Word *Feormian*, which signifies to feed, or yield *Vi-ctual*: For in ancient Time their Reservations were as well in *Victuals* as *Money*, until at the last, and that chiefly in the Time of King Henry the first, by Agreement, the Reservation of *Victuals* was turned into ready *Money*, and so hitherto hath continued amongst most Men.

Fate, or Fatt.

Fate, or *Fatt*, is a Measure mentioned in the Statutes of 1 H. 5. cap. 10. and 11 H. 6. cap. 8. to contain eight Bushels: But the Citizens and Merchants of London (as it appears by those Statutes) and the King's Purveyors, would have that Measure and a Bushel over for one Quarter; and so they had nine Bushels for one Quarter of Corn.

False Imprisonment.

FALSE Imprisonment is a Writ that lies where a Man is arrested and restrained from his Liberty by another against the Order of the Law; then he shall have against him this Writ, whereby he shall recover Damages. See more thereof before, tit. Arrest.

False Judgment.

FALSE Judgment. See thereof before, tit. Error.

Auxy generalment chescun Lessee pur vie, ans, ou al volunt, est appel *Farmour*, ou *Fermour*.

Et nota, Que ils sont appelles *Farmes*, ou *Fermes*, del Saxon parol *Feormian*, que signifie pur feed, ou rend *Vi-ctual*: Car en ancient temps leur Reservations fueront cy-bien en *Victual* come *Argent*; tanque al darreine, & ceo principalment en le temps de Roy Hen. 1. per agreement, le Reservation de *Victuals* fuit convert en redie *Argent*, & issint uncore ad continue enter plusors homes.

Fate, ou Fatt.

Fate, ou *Fatt*, est un Measure mention en les Statutes de 1. H. 5. cap. 10. & 11 H. 6. cap. 8. pur contenir huit Boisseaus: Mes les Citizens & Merchants de Londres (come appiert per ceux Statutes) & les Purveiors le Roy voilont aver ceo Measure & un Boisseau ouster pur Quartier; & issint ils avoient neufe Boisseaus pur un Quartier de Blee.

Faux Imprisonment.

FAUX Imprisonment est un Brief que gist lou home est arrest & restraine de son Libertie per un auter encounter Order de Ley; donques il avera vers luy cest Brief, per que il recovers Damages. Veies plus de ceo devant, tit. Arrest.

Faux Judgment.

FAUX Judgment. Veies de ceo devant, tit. Error.

Fealtie.

FEALTIE est un Service, appelle en Latine *Fidelitas*, & serra fait en tiel manner ; cestasca-voire, le Tenant tiendra sa main dextre sur un Livre & dirra a son Seignior, *Jeo a vous serra foyal & loyal, & Foy a vous portera des Tenements que jeo claim de tener de vous, & verament a vous serra les Customs & Services que fair vous doy al termes assignes ; Sicome moy ayde Dieu : Et basera le Livre ; mes il ne genulera, come en fesant Homage. Et de ceo veies apres en le Title Homage. Auxy Fealty est incident a tous manners de Tenures.*

Fee.

FEE (*Feodum*, ou *Feudum*) vient del Francois parol *Fief*, i. e. *Feodum beneficiarium*, vel *res clientaris*, & signifie en nostre Ley vox equivocca des divers significations : Car est plus communement prise pur un Estate del inheritance en Terres ou Tenements al un & ses heires, ou al un & les heires de son corps. Mes est use auxy pur le Compass, Circuit ou Extent de un Seigniorie ou Mannor. Et de ceo venust le ordinarie Plee en Barre al un Avowry, Que le Terre sur que il avow est hors de son Fee. Et tiercement, il est prise pur le Reward ou Salarie done al un pur le execution de son Office ; come le Fee dun Forrester, ou le Gardeine dun Parke, ou le Fee dun Viscount pur le server dun Execution, come est limit per le Statute 29 *El. c. 4.* Et issint est auxy prise pur ceo

Fealty.

FEALTY is a Service, called in Latin *Fidelitas*, and shall be done in this Manner ; viz. The Tenant shall hold his Right-Hand upon a Book, and shall say to his Lord ; I shall be to you faithful and true, and shall bear to you *Faith* for the Lands and Tenements which I claim to hold of you, and truly shall do you the Customs and Services that I ought to do to you at the Terms assigned ; So help me God : And shall kiss the Book ; but he shall not kneel, as in doing Homage. And thereof see after in the Title Homage. Also Fealty is incident to all Manner of Tenures,

Fee.

FEE (*Feodum*, or *Feudum*) cometh from the French Word *Fief*, i. e. *Feodum beneficiarium*, vel *res clientaris*, and signifies in our Law an equivocal Word of divers Significations : For it is most usually taken for an Estate of Inheritance in Lands and Tenements to one and his Heirs, or to one and the Heirs of his Body. But it is used also for the Compass, Circuit or Extent of a Lordship or Manor. And from thence comes the ordinary Plea in Bar to an Avowry, That the Land upon which he avows is out of his Fee. And thirdly, it is taken for a Reward or Wages given to one for the Execution of his Office ; as the Fee of a Forrester, or the Keeper of a Park, or a Sheriff's Fee for serving an Execution, limited by the Statute of 29 *Eliz. cap. 4.* And it is also taken for that Consideration which is given a Ser-
vant

geant at Law, or a Counsellor, or a Physician, for their Counsel or Advice in their Profession, which (as it is well observed by Sir Jo. Davies, in his Preface to his Reports) is not properly Merces, but Honorarium. Yet in our Law-Language it is called his Fee.

Consideration que est done al un Sergeant al Ley, ou al un Pleader, ou un Physician, pur leur Counsel ou advise en leur profession, que (come est bien observe per Sir J. Davies, en son Preface a ses Reports) nest properment Merces, forsque Honorarium. Mes uncore en le dialect de nostre Ley c'est appel son Fee.

Fee Expectant.

FEE Expectant: Where Lands are given to a Man and his Wife in Frank-Marriage, to have and to hold to them and their Heirs, in this Case they have Fee-simple; but if they are given to them and the Heirs of their Body, &c. They have Tail and Fee Expectant. Kitch. fol. 153.

Fee Expectant.

FEE Expectant: Lou Terres sont done al home & son feme en Frank-marriage, a aver & tener al eux & leur heires, en cest case ont Fee-simple; mes si sont done a eux & les heires de leur corps, &c. ont Taile & Fee Expectant. Kitch. fol. 153.

Fee Farm.

FEE Farm is, when a Tenant holds of his Lord in Fee-simple, paying to him the Value of Half, or of the Third, Fourth, or other Part of the Land by the Year. And he that holds by Fee-Farm, ought not to pay Relief, or do any other Thing that is not contained in the Feoffment, but Fealty, for that belongs to all Kind of Tenures.

Fee Farm.

FEE Farm est, quand un Tenant tient de son Seigneur en Fee-simple, rendant a luy value del moitie, ou de tierce part, ou autre part del Terre per an. Et il que tient en Fee Ferme ne doit payer Relief, ou faire autre chose, que ne est contene en le Feoffment, forsque Fealrie, car ceo appent a tous manners de Tenures.

Fee-simple.

FEE-simple is, when any Person holds Lands or Rent, or other Thing, inheritable to him and his Heirs forevermore; and these Words, His Heirs, make the Estate of Inheritance; for if the Land be given to a Man for ever, yet he hath but an Estate for Life.

Fee-simple.

FEE-simple est, quand aucun person tient Terre ou Rent, ou autre chose, inheritable a luy & ses Heires a tous jours; & ceux parols, Ses Heires font le Estate de Inheritance; car si Terre soit done a home a tous jours, uncore il nad forsque Estate pur vie.

Auxy si Tenant en Fee-simple devie, son primer Firs serra son Heire ; mes sil nad Firs, donque tous les Files ferront Heire, & chescun a vera son part per partition : Mes sil nad Firs ne File, donques son prochain Cousin collateral de le entire sanke serra son Heire.

Felo de se.

Felo de se est il que commit Felony per murdering soy mesme : Il forfeitera ses Biens mes nemy ses Terres, pur ceo que il ne poet estre attainct del Felony. *Staundf. 19, 20. Veies Crompt. de Justic. de Paix, fol. 28.*

Felonie.

Felonie est un general terme, que comprehend divers heinous Offences, pur que le Offenders doient suffer mort, & perdre leur Terres. Et semble que eux sont appellees *Felonies*, del *Latine* parol *Fel*, que est en *Anglois* *Gall*, en *Francois*, *Fiel*, ou del ancient parol *Anglois*, *Fell*, ou *Fierce*, pur ceo que sont entends destre faits *felleo animo*, ove fell, fierce, ou mischievous mind. Quand home sans aucun colour de Ley emblea les biens de un auter, amountant al value de xii deniers ou pluis, ceo est *Larceny* : Mes si un approcha a le Person de un auter en le Hault-Chimin, & luy robba de ses biens, mesque ils ne sont forsque al value de un denier, il est *Felonie* ; & ceo est appel *Robberie*, & pur ceo il serra pendue.

Also if Tenant in Fee-simple die, his first Son shall be his Heir ; but if he have no Son, then all his Daughters shall be his Heirs, and every one shall have her Part by Partition : But if he have no Son nor Daughter, then his next Cousin collateral of the whole Blood shall be his Heir.

Felo de se.

Felo de se is he that commits Felony by murdering himself : He shall forfeit his Goods, but not his Lands, because he cannot be attained of the Felony. *Staundf. 19, 20. See Crompt. Just. of Peace, fol. 28.*

Felony.

Felony is a general Term, which comprehends divers heinous Offences, for which the Offenders ought to suffer Death, and lose their Lands. And it seems that they are called *Felonies*, of the *Latin* Word *Fel*, which is in *English*, *Gall*, in *French*, *Fiel* ; or of the ancient *English* Word, *Fell*, or *Fierce*, because they are intended to be done with a fell, fierce, or mischievous Mind. When a Man without any Colour of Law steals the Goods of another, amounting to the Value of Twelve Pence or more, that is *Larceny* : But if he approaches the Person of another in the High-Way, and robs him of his Goods, although it be but to the Value of one Penny, it is *Felony*, and therefore he shall be hanged.

Feme Covert.

Feme Covert is a Married Woman who is said to be under the Coverture of her Husband.

Feme Covert.

Feme Covert est un Feme Mariee que est dit de estre desous le Coverture de sa Baron.

Fence-Month.

Fence-Month is a Forest-Word and signifies the Space of 31 Days in the Year, that is to say, 15 Days before Midsummer, and 15 Days after, in which Time it is forbidden for any Man to hunt in the Forest, or to go into it to disturb the wild Beasts. The Reason of which is, because the Female-Deer do then fawn. And therefore this Month is called the Fence-Month; or Defence-Month, for that the Deer are then to be defended from Scare or Fear. See Manwood's Forest-Laws, cap. 13. fol. 90. b.

Fence-Moys.

Fence-Moys est un parol del Forrest, & signifie le space de 31 jours en le an, cestascaivoire, 15 jours devant Midsummer, & 15 jours apres, en quel temps est prohibe pur aucun home de chaser en le Forrest, ou de passer en ceo pur disturber les feres. Le reason de que est, pur ceo que a ceo temps parturiunt Damæ. Et pur ceo cest Moys est appel le Fence-Moys, or Defence-Moys, pur ceo que les Dames sont adonque deltre defends del fright ou terror. Veies Manw. Forrest-Lays, c. 13. fol. 90. b.

Feod.

Feod is a Right which the Vassal hath in Land, or some immobeeable Thing of his Lord's, to use the same, and take the Profits thereof, rendring unto his Lord such feodal Duties and Services as belong to military Tenure, the meer Property of the Soil always remains unto the Lord. Spelman of Feuds and Tenures. c. 1.

Feod.

Feod est le droit que le Vassal avoit en Terres ou al chose immovable que appartient al son Seigneur pur user ceo & prender les profits de ceo, rendant al son Seigneur tiels feodal Duties & Services queux perteignent al military Tenure, le Property del soil tous foits remanant al Seigneur. Spelman des Feuds & Tenures, cap. 1.

Feodarie.

Feodarie was an Officer in the Court of Wards, appointed by the Master of that Court, by Virtue of the Statute 32 H. 8. cap. 46. to be present with the Escheator in every County at the finding of Offices, and to give in Evidence for the King, as well for the Value, as

Feodarie.

Feodarie fuit un Officer en le Court de Gards, appoint per le Mr. de ceo Court, per vertue del Statute 32 H. 8. cap. 46. deltre present ovesque le Escheator en chescun Countie al trover des Offices, & a doner evidence pur le Roy cybien pur le Value

Value come pur le Tenure. Et son Office fuit auxy pur survey les Terres le Gard apres le Office trove, & pur retour le verie value de eux en le Court; pur assigner Dower as Vefues le Roy; pur receiver tous les Rents des Terres les Gardens deins son Circuit, & pur eux responder al Receiver le Court. Mes veies le Stat. 12 Car. 2. c. 24. pur abolir le dit Court.

Feodatary.

FEodatary est un Tenant que tient son Estate per feodal Service.

Feodum laicum.

FEodum laicum, ou Terres ti-ent en fee del un lay Seignior per le common Services, as queux military Tenure fuit subiect, en opposition al Ecclesiastical teignent en *Frank-almoigne* discharge del tiels *burdens*.

Feoffment.

FEoffment est, lou un done Terre, Measons, ou tiel choses corporal hereditable, a un auter en Fee-simple, & de ceo deliver Seisin & Possession. Auxy si un fait Done en le taile, ou Lease pur vie, il covient de done Liverie & Seisin, ou autrement riens passera per le Grant.

Feoffor & Feoffee.

FEoffor est celuy que enseoffe ou fait Feoffment al auter de Terres ou Tenements en Fee-simple: Et **Feoffee** est celuy que est enseoffe, ou a que le Feoffment est issint fait.

for the Tenure. And his Office was also to surbey the Lands of the Ward after the Office found, and to return the true Value thereof into the Court; to assign Dower unto the King's Widows; to receive all the Rents of the Wards Lands within his Circuit, and to answer them to the Receiver of the Court. But see the Stat. 12 Car. 2. c. 24. for Abolishing the said Court.

Feodatary.

FEodatary is a Tenant who held his Estate by feodal Service.

Feodum laicum.

FEodum laicum, or Lands held in Fee from a Lay-Lord, by the common Services, to which Military Tenure was subjected, in Opposition to Ecclesiastical Holding in *Frank-almoigne* discharged of such Duties.

Feoffment.

FEoffment is, where a Man gives Lands, Houses, or other Corporal Things which are heritable, to another in Fee-simple, and thereof delivers Seisin and Possession. Also if one make a Gift in Tail, or a Lease for Life, Livory and Seisin must be given, or else Nothing shall pass by the Grant.

Feoffor and Feoffee.

FEoffor is he that inseoffs or makes a Feoffment to another of Lands or Tenements in Fee-simple. And **Feoffee** is he who is inseoffed, or to whom the Feoffment is so made.

Ferdella Terræ.

Ferdella Terræ is Ten Acres, Fardel or Ward-land. See Virgata Terræ.

Ferdella Terra.

Ferdella Terra est dix Acres, un Fardel ou Yard-land. See Virgata Terra.

Ferdfare.

Ferdfare is, to be quit from going to the War. Flet. lib. 1. 47.

Ferdfare.

Ferdfare, hoc est, quietum esse de cundo in Exercitum. Flet. l. 1. c. 47.

Ferdwit.

Ferdwit is, to be quit of Mur-ther committed in the Army. Flet. l. 1. c. 47.

Ferdwit.

Ferdwit, hoc est, quietum esse de Murdro in Exer-citu facto. Flet. l. 1. c. 47.

Ferlingata Terræ.

Ferlingata Terræ is the fourth Part of a Ward-Land. Ten Acres make one Ferling; four ferlings one Virgate; four Virgates one Hide; and five Hides a Knight's Fee. Esc. 12. Ed. 2. n. 18. Ebor. In antient Records both Ferlingus and Ferdlingus Terræ are used. See Monastic. Anglican. part 2. f. 8.

Ferlingata Terræ.

Ferlingata Terra est la quater partie de un Yard-Land. Decem Acræ faciunt unam Ferlingatam; quatuor Ferlingatæ Virgatam; quatuor Virgatæ Hidam, & quinque Hidæ Feodum militare. Esc. 12 Ed. 2. n. 18. En antient Records Ferlingus & Ferdlingus sont ambideux use. Veiez Monast. Anglican. part 2. fol. 8.

Ferme.

Ferme, or Farm, cometh of the French Word Ferme, Prædium, and signifieth with us a House or Land, or both, taken either by Indenture of Lease, or Lease-Parol. This in the North Parts of the Kingdom is called a Tack, in Lancashire a Ferme-Holt, in Essex a Wike, &c. Both the French and English Word seem to come from the Latin Firmus; for I find Locare ad firmum to signifie with others as much as to let or let to Farm with us: The Reason whereof may be in Respect of the sure Hold they have beyond Tenants at will. See Vocabul.

Ferme.

Ferme, ou Farm, venust del parol François Ferme, Prædium, & signifie ove nous un Meason ou Terre, ou ambideux, pris ou per Indenture de Lease, ou Lease-parol. Ceo en les parts de Nord de ce Royalm est appel un Tack, en Lancashire un Ferme-Holt, en Essex un Wike, &c. Le François & Englois parol semble ambideux de vener del Latin Firmus, car jeo trove Locare ad firmum a signifier ove auters autant que to let or let to Farm ove nous; dont la Raison peut estre a cause del certaine Tenure lequel ils ount au dela de Tenants a volunts. Veiez

An Exposition of

Vocul. utrimque juris, verbo Affirm. Veiez auxi *Farm.*

utrimque juris, verbo Affirm. See also *Farm.*

Ferrie.

EST un liberty per prescription ou grant del Roy de aver boat pur passage sur un grand stream pur Caryage de chivals & homes pur raisonnable Toll.

Feude.

FeuDe, ou *Mortal Feude*, est un parol Germanois, & signifie un Haine emplacable, que ne poit estre satsisie forsque ove le mort del enemie : Tiel est ceo enter les homes de *Scotland* & en le Nord parts de *Angleterre*, que est un Combination de tout le Consanguinity pur le vengeance del mort de ascun de lour sanke sur le Homicide & tout son race. Et cest parol est mention en le Statute de 43 *El.* c. 13.

Fieri facias.

Fieri facias est un Brief judicial, & gist lou home recovers Det ou Damgages en Court le Roy ; donques il avera cest Brief al Viscount, luy commandant que il levie le Det & les Damgages des biens celuy vers que le Recoverie est ewe, & gist solement deins le an & jour, & apres le an luy covient suer un *Scire facias* ; & si le partie soit garnie, & ne vient al jour, &c. ou sil vient, & ne scavoit rien dire, donques celuy que recovers avera Brief de *Fieri facias* direct al Viscount, que il face Execution de Judgm.

Mes si home recovers vers un feme, & el prist baron

Ferry.

Is a Liberty by Prescription, or the King's Grant, to have a Boat for Passage upon a great Stream for Carriage of Horses and Men for reasonable Toll.

Feude.

FeuDe, or Deadly Feude, is a German Word, and signifies implacable Hatred, not to be satisfied but with the Death of the Enemy : Such is that amongst the People in Scotland, and in the Northern Parts of England, which is a Combination of all the Kindred to revenge the Death of any of the Blood upon the Slayer and all his Race. And this Word is mentioned in the Statute of 43 *Eliz.* c. 13.

Fieri facias.

Fieri facias is a Writ judicial, and lies where a Man recovers Debt or Damages in the King's Court ; then he shall have this Writ to the Sheriff, commanding him that he levy the Debt and Damages of the Goods of him against whom the Recovery is had ; and it lies only within a Year and a Day, and after the Year he must sue a *Scire facias* ; and if the Party be warned, and doth not come at the Day, &c. or if he come, and say Nothing, then he who recovers shall have a Writ of *Fieri facias* directed to the Sheriff, that he make Execution of Judgment.

But if a Man recover against a Woman, and she takes

a Husband within the Year and the Day; then he that recovers must have a Scire facias against the Husband.

So it is if an Abbot or Prior recover and die, his Successor within the Year shall have a Scire facias. See thereof more in the Title Scire facias, and Title Execution.

There is also another Manner of Fieri facias against a Rector, where upon a general Fieri facias the Sheriff returns, quod nulla habet bona seu catalla, and thereupon a Writ is directed to the Bishop of the Diocese where he is Rector, and thereupon the Bishop levies the Debt of the Profits of the Gleab and Tithes of the Rectory.

Fifteenth.

Fifteenth. See Quinzisme.

Filazer.

Filazer (of the French Word Filace, id est, a Thread) is the Name of an Officer in the Common Pleas, of which there are 14. They make out all the Original Process there, and the Distresses infinite upon Summons returned in personal Actions, and the Capias upon the Return of Nihil, and all Writs of View, in Cases where the View is prayed. And where the Appearance is with them, they enter the Imparlance, and the general Issue in common Actions, and Judgments by Confession before Issue joyned, and make out Writs of Execution upon them. And they make Writs of Superfedeas after a Capias awarded, when the Defendant appears in their Office. And

deins le an & jour; deiques il covient que cestuy que recouvrera avera Scire facias vers le baron.

Auxy est si Abbot ou Prior recover & devie, son Succesor deins le an avera Scire facias. Vide de ceo pluis en le Title Scire facias, & Title Execution.

Auxy est un auter manner de Fieri facias versus un Rector, lou sur un general Fieri facias le Viscount retourne sur ceo, quod nulla habet bona seu catalla, & sur ceo Brief est direct al Evesque del Diocess ou il est Rector. Et sur ceo le Evesque levy le Debt des profits del gleab & dismes del Rectory.

Fifteenth.

Fifteenth. Veies Quinzisme.

Filazer.

Filazer (del parol Francois Filace, id est, Filum) est le nomme de un Officer en le Common Plees, des queux sont icy 14. Ils font tous les Original Process la, & le Distresse infinite sur Summons retourne en Actions personnels, & le Capias sur le retourne del Nihil, & tous Briefs de View en cases lou le View est prie. Et lou le appearance est ove eux, ils enter le Imparlance, & le general Issue en common Actions, & Judgments per Confession devant Issue joyne, & font Briefs de Execution sur eux. Et ils font Briefs de Superfedeas apres Capias agardé, quand le Defendant appeare en leur Office. Et cest Officer est mention

tion en les Statutes de 10 H. 6.
c. 4. & 18 H. 6. c. 9.

this Officer is mentioned in the
Statutes of 10 H. 6. c. 4. and 18
H. 6. c. 9.

File.

File (*Filacium*) est Filum
vel Chorda qua Brevia &
alia Curii *Exhibita* trajiciun-
tur, pro meliori conservatione
eorundem.

Finders.

Finders est un parol mention
en mults Statutes, come
en 14 R. 2. c. 10. 17 R. 2. c. 5.
1 H. 4. c. 13. & 31 H. 6. c. 5.
& semble destre tout un ove
ceux Officers queux ore nous
appelomus *Scrutatores*, im-
ployes pur le trover des biens
imports ou exports sans payer
del Custom.

Fine.

Fine ascun foits est prise pur
un Summe de argent quel
ascun est de payer al Roy pur
ascun contempt ou offence ;
quel *Fine* chescun que com-
mit ascun Trespas, ou que
est convict que il fausement
denie son fait, ou fesoit ascun
chose en contempt de Ley,
payera al Roy ; quel est ap-
pel *Fine al Roy*.

Ascun foits *Fine* est prise pur
un final Concord quel est ewe
enter ascuns persons touchant
ascun Terre ou Rent, ou
autre chose, dont ascun Suit
ou Brief est enter eux pendant
en ascun Court ; quel poit
este en divers manners. Le
un est, quand le un Partie re-
conust ceo estre le droit del
autre, come ceo que il eit
del Done cestuy que fesoit le
Reconusans, quel tous foits
suppose un Feoffment prece-
dent, & est dit *Fine excoute* :

File.

File (*Filacium*) is a Thread or
Wire upon which Writs and
other Exhibits in Courts are put,
for the safer keeping of them to-
gether.

Finders.

Finders is a Word used in many
Statutes, as in 14 R. 2.
c. 10. 17 R. 2. c. 5. 1 H. 4. c.
13. and 31 H. 6. c. 5. and seems
to be all one with those Officers
which we now call Searchers,
imployed for the Discovery of
Goods which are imported or
exported without paying Custom.

Fine.

Fine sometimes is taken for a
Sum of Money which one is
to pay to the King for any Con-
tempt or Offence ; which *Fine*
every one that commits any
Trespas, or is convict that he
falsly denies his own Deed, or
did any Thing in Contempt of
Law, shall pay to the King :
Which is called a *Fine* to the
King.

Sometime a *Fine* is taken
for a final Agreement which is
had between any Persons con-
cerning any Land, or Rent, or
other Thing, whereof any Suit
or Writ is between them hang-
ing in any Court ; which may be
divers ways : One is, when
any Party acknowledges that
to be the Right of the other, as
that he hath of the Gift of him
that made the Recognizance,
which always supposes a Feoff-
ment going before, and is called
a *Fine executed* : Or if he ac-
know-

knownedged that to be the Right of another, omitting these Words (come ceo que il eit de son Done) this being a Fine upon acknowledging of Right only, if it be levied to him which hath the Free-hold of the Land, is a Fine upon a Release.

If he that acknowledged it is seised, and he to whom it is levied hath not the Free-hold of the Land, then it is called a Fine executory, which he to whom the Land is acknowledged may execute by Entry, or Scire facias.

Sometime such a Fine Sur conuſance de droit only is to make a Surrender: Wherein is rehearsed, that the Reconuſor hath an Estate for Life, and the other a Reversion.

Sometime it is taken to pass a Reversion, where a particular Estate is recited to be in another, and that the Reconuſor will that the other shall have the Reversion, or that the Land shall remain to another after the particular Estate spent.

And sometime he to whom the Right is acknowledged, as that which he hath of the Gift of the Reconuſor, shall yield the Land, or a Rent out thereof to the Conuſor. And that sometime for the whole Fee; sometime for one particular Estate, with Remainder or Remainders over; and sometime with Reservation of Rents with Distress and Grant thereof over by the said Fine.

He to whom the Gift is made is termed the Plaintiff or Coniſee, and he from whom it passes, the Deforceant or Coniſor.

It is called a Fine, because thereby the Suit is ended; and

Ou si il reconuſt ceo deſtre le droit del auter, omittant les parols (come ceo que il eit de son Done) ceo esteant Fine sur conuſans de droit tante, si soit levie a cestuy que eit le Frank-tenement del Terre, est Fine sur Release.

Si cestuy que ceo conuſt est seise, & celuy a que est levie ne eit le Frank-tenement del Terre, donques est dit Fine executorie, quel cestuy a que le Terre est conus poit executer per Entry, ou Scire facias.

Aſcun foits tiel Fine Sur conuſance de droit tantum est pur faire un surrender: Lou en ceo est repeat, que le Reconuſor eit Estate pur vie, & le auter en Reversion.

Aſcun foits ceo est ewe de passer un Reversion, lou particular Estate est recite deſtre en auter, & que le Reconuſor voit que le auter avera le Reversion, ou que le Terre remaine al auter apres le particular Estate finie.

Et en aſcun foits celuy a que le droit est conus, come ceo que il ad del Done le Reconuſor, rendra le Terre ou un Rent hors de ceo al Conuſor. Et ceo aſcun foits pur le entire Fee; aſcun foits pur un particular Estate, ove Remainder ou Remainders ouſter; & aſcun foits ove Reservation de Rents ove Distresse & Graunt de ceo ouſter per meſme Fine.

Ceo a que le done est fait est appel le Plaintiff ou Coniſee, & ceo de quel il passera, le Deforceant ou Coniſor.

Est appel Fine, quia pur ceo le Suit est determine; & si ceo

ceo soit record ove Proclamation, folongue le Statute 4 H. 7. ceo barre Estrangers.

Fines pur Alienation.

Fines pur Alienation sont reasonable Fines, pay al Roy per ses Tenants en chief, pur License de alierer lour Terres accordant al Stat. 1 E. 3. cap. 12. Veies le Stat. 12 Car. 2. cap. 24.

Fine force.

Fine force, signifie un absolute Necessitie; sicome lou home est constreine de faire asc' chose le quel il ne poit per asc' voy avoid, nous disomus que il fist c' de *Fine force*. Et issint cest parol est use en *Perk. sect. 321.* en *Woodland & Mantel's Case*, en *Plow. f. 94. b.* & en *Eaton's Case* cite en *Foxley's Case* en le 6. Re. f. 111. a.

Finors.

Finors sont ceux q; purifient Or & Argent, & eux sever per feu & eau del Metals plus base & vile; & pur ceo en le Statute de 4 H. 7. c. 2. sont auxy appels *Parters*.

Fire-bote.

Fire-bote est necessary Boys pur arder, quel, per le Common Ley, Lessee pur ans ou pur vie poit prender en son Terre, nient obstant il ne soit expresse en son Lease; & nient obstant il soit un Lease per Parol tantum sans Fait: Mes sil prist plus que besoigne, il serra punie en Waste.

First-fruits.

First-fruits (*Primitia*) sont les Revenues de chescun Spiritual Benefice pur un an,

if it be recordd with Proclamation, according to the Statute 4 H. 7. it bars Estrangers.

Fines for Alienation.

Fines for Alienation are reasonable Fines, and paid to the King by his Tenants in chief, for License to alien their Lands according to the Stat. 1 E. 3. cap. 12. See the Stat. 12 Car. 2. cap. 24.

Fine force.

Fine force, signifies an absolute Necessity; as when a Man is compelled to do that which he can no way avoid, we say he doth it de *Fine force*. So this word is used in *Perk. sect. 321.* in *Mantel and Woodland's Case*, in *Plowden, f. 94. b.* and in *Eaton's Case* cited in *Foxley's Case* in the 6 Rep. f. 111. a.

Finors.

Finors are those that purifie Gold and Silver, and part them by Fire and Water from courser Metals; and therefore in the Statute of 4 H. 7. c. 2. they are also called *Parters*.

Fire-bote.

Fire-bote is necessary Wood to burn, which, by the Common Law, Lessee for Years or for Life may take in his Ground, although it be not expressed in his Lease; and although it be a Lease by Word only, without Writing: But if he take more than is needful, he shall be punished in Waste.

First-fruits.

First-fruits (*Primitia*) are the Profits of every Spiritual Living for a Year, which were anciently

anciently given to the Pope; but by the Statute of 26 H. 8. c. 3. are now transferred to the King.

Fishgarth.

Fishgarth is a Dam or Weir in a River, made for the Taking of Fish, especially in the Rivers of Ouse and Humber. 23 H. 8. cap. 18.

Fledwite.

Fledwite is, to be quit from Amerciaments, when an outlawed Fugitive comes to the King's Peace of his own Will, or being licensed.

Flemeswite.

Flemeswite is, that you may have the Cattel or Amerciaments of your Fugitive Man.

Fletwit.

Fletwit, or **Fletwit**, is, to be quit from Contention and Convicts, and that you may have a Plea thereof in your Court, and the Amerciaments; for Flet in English is Treason in French.

Floatsam.

Floatsam, or **Flotson**, is, when a Ship is sunk, or otherwise perished, and the Goods float upon the Sea, and they are given to the Lord Admiral by his Letters Patents. See *Cok. lib. 5. fol. 106.*

Fold, Fould-course.

Fold, **Fould-course**, In Latine *Falda*, & *Faldæ cursus*, is Common for Sheep. See *Shack. Co. Ent. 14, 15. Coke 8 Rep. 125. 1 Cro. Rep. Spooner and Day.*

queux en auncient temps furent dones al Pape, mes per le Statute de 26 H. 8. c. 3. sont ore transferres al Roy.

Fishgarth.

Fishgarth est un Dam ou Weir en un River fait pur le prendre de Pissons especialment en les Rivers de Ouse & Humber. 23 H. 8. cap. 18.

Fledwite.

Fledwite est, quietum esse de Amerciamentis, cum quis utlagatus Fugitivus veniat ad Pacem Domini Regis sponte vel licenciatus.

Flemeswite.

Flemeswite est, quod habeatis Catalla sive Amerciamenta hominis vestri Fugitivi.

Fletwit.

Fletwit, ou **Flitwit**, est, quietum esse de Contentione & Convictis, & quod habeatis Placitum inde in Curia vestra, & Amerciamenta; car *Flit Anglice est Treason Gallice.*

Floatsam.

Floatsam, ou **Flotson** est, quant un Nief est submerge ou auterment perish, & les biens float sur la Mere, & ils sont dones al Seignieur Admiral per ses Letters Patents. Veies *Coke lib. 5. fol. 106.*

Fold, Fould-course.

Fold, **Fould-course**, en Latine *Falda* & *Faldæ cursus*, est common pur barbits. Vid. *Shack. & Co. Ent. 14, 15. Co. 8 Rep. 125. 1 Cro. Rep. Spooner & Day.*

Folkmoor.

Folkmoot.

Folkmoot signifie (selon Lambard en son Exposition del Saxon parols) deux kinds del Courts; l'un ore appel le County Court, l'auter le Sheriff's Tourne. Et en Londres il signifie a cest jour celebrem ex omni Civitate Conventum. Stow's Survey.

Footgeld.

Footgeld est un Amerciament pur nient prendant hors les Bales des pees d' graund Chiens en l' Forrest, pur que veies Expeditate: Et desirer quit de aver Chiens irregular deins l' Forrest sans paine ou controle. Crompt. Jurisd. fol. 197. Manwood, part 1. pag. 86.

Forcible detainer.

Forcible detainer, ou tener de possession, est un violent act de resistance per fort main ove Arms, & teignant possession, ის- l'int que les Justices ou autres sont hinder ou barr de faire un legal Entre. Crompt. Just. del P. fol. 58. usq; 63.

Forcible Entry.

Forcible Entry est un violent actual Entrie en Meason ou Terre; ou prend' Distres ove armes, soit que il offer Violence ou nemy. West. par. 2. Symb. tit. Inditement, Sect. 65.

Foreclosed.

Foreclosed est celuy que est barre & ousterment exclusive pur tous temps. Co. 2 Inst. 298.

Folkmoot.

Folkmoot signifies (according to Lambard in his Exposition of Saxon words) two kinds of Courts; one now called the County Court, the other the Sheriff's Tourn, And in London it signifies at this day celebrem ex omni Civitate Conventum. Stow's Survey.

Footgeld.

Footgeld is an Amerciament for not cutting out the Balls of great Dogs Feet in the Forest, for which see Expeditate: And to be quit of Footgeld is a Privilege to keep Dogs within the Forest unlabeled without Punishment or Controul. Crompt. Jurisd. fol. 197. Manwood, part. 1. pag. 86.

Forcible detainer.

Forcible detainer, or keeping Possession, is a violent Act of resisting by strong Hand with Arms, and keeping Possession, so that the Justices or others are hindered or barred to make a lawful Entry. Crompt. Just. del P. fol. 58. to 63.

Forcible Entry.

Forcible Entry is a violent actual Entry into House or Land; or taking a Distress weaponed, whether he offer Violence or no. West. part 2 Symb. tit. Inditements, Sect. 65.

Foreclosed.

Foreclosed is he who is barred and utterly excluded for ever. Co. 2 Inst. 298.

Foreign.

Foreign.

FOREIGN (Fr. Foreign, Lat. *Forinsecus*) is a Word adjectively used, and joined with divers Substantives; as Foreign Matter triable in another County, Pl. Cor. 154. Or Matter done in another County, Kitch. fol. 126.

Foreign Plea is a Refusal of the Judge as incompetent, because the Matter in Hand was not within his Precincts. Kitch. fol. 75. & Anno 4 H. 8. cap. 2. & Anno 22 ejusdem cap. 2. & 14.

Foreign Answer is such an Answer as is not triable in the County where it is made. Anno 15 H. 6. cap. 5.

Foreign Service is such Service whereby a Mesne Lord holds over of another without the Compass of his own Fee. Bro. tit. Tenures, fol. 251. num. 12. & 28. and Kitch. fol. 209. Or else that which a Tenant performs either to his own Lord, or to the Lord above him out of the Fee. For of such Services Bracton, lib. 2. cap. 16. num. 7. speaks thus:

Also there are certain Services which are called Foreign, though they be named and express'd in the Charter of Feoffment, and may therefore be call'd Foreign, because they appertain to our Lord the King, and not to the chief Lord, unless when he goes in Service in Person, or that he satisfies our Lord the King for the Service by some Kind of Means; and they are performed at certain Times, when Occasion and Necessity require, and they have divers and sundry Names: For sometime they are called Foreign,

Foreign.

FOREIGN, (Fr. Foreign, Lat. *Forinsecus*) est un parol adjectivive use, & joyne ove divers Substantives; come Foreign Matter triable en auter Countie, Pl. Cor. 154. ou matter fait en auter Countie, Kitch. fol. 126.

Foreign Plee est un refusal del Judge come incompetent, pur ceo que le matter dependant ne fuit deins ses Limits. Kitch. fol. 75. & Anno 4 H. 8. cap. 2. & An. 22 ejusdem c. 2. & 14.

Foreign Respons est tiel Respons que nest triable en le Countie ou il est fait. Anno 15 H. 6. cap. 5.

Foreign Service est tiel Service per que un Mesne Seignior tient ouster de un auter dehors le circuit de son fee demesne. Bro. tit. Tenures, fol. 251. num. 12. & 28. & Kitch. fol. 209. Ou auterment ceo que un Tenant performe ou a son Seignior demesne, ou al Seignior Paramount hors del fee. Car de tiels Services Bract. lib. 2. cap. 16. num. 7. illint parle:

Item sunt quadam Servitia que dicuntur Forinseca, quamvis sunt in Charta de Feoffamento expressa & nominata, & que ideo dici possunt Forinseca, quia pertinent ad Dominum Regem, & non ad Dominum Capitalem, nisi cum in propria persona profectus fuerit in Servitio, vel nisi cum pro Servitio suo satisfecerit Domino Regi quocunque modo; & fiunt in certis temporibus, cum casus & necessitas e venerit, & varia nomina habent & diversa: Quandoque enim nominantur Forinseca, large sumpto vocabulo, quoad

quoad Servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis; & ideo Forinfecum dici potest, quia fit & capitur foris, siue extra Servitium quod fit Domino Capitali. Veies Broke, Tenures 28, 95.

Foreign Service semble de-
stre Service de Chivaler, ou
Escuage non certain. Perkins,
sect. 650.

Foreign Attachment est un At-
tachment des biens de Foreign-
ers deins ascun Franchise ou
Citie, pur le satisfaction de
ascun Citizen a que le dit Fo-
reigner doit argent.

Foreign Apposer est un Offi-
cer en le Exchequer, a que
touts Viscounts & Bailiffs vi-
endront, per luy destre appose
de lour Greene wax: Et de
ceo il treit un charge sur le
Viscount ou Bailiff al Clerk
del Pipe.

Foreign Apposer.

EST un Officer en le Ex-
chequer que est de exa-
miner les Estreats des Viscounts
ove le Record, & de demander
del Viscount que il avoit a-
dire al ascun particular sum
deins ceo.

Forest, ou Forrest.

FOrest est un priviledge pur
authoritie Royal, ou per
Prescription, pur le peaceable
abode & nourishment del
Beasts, ou Oiseux del Forest,
pur le disport del Roy: Pur
queux ont este en antient
temps certaine peculiar Offi-
cers, Leyes & Orders, part de
queux appearont en le grand
Charter de le Forest.

the Word taken largely as to the
King's Service, sometime Escuage,
sometime Service of the King;
and it may therefore be called
fforeign, because it is done and
taken without, or beside Service
done to the Lord Paramount.
See Brooke, Tenures 28, 95.

Foreign Service seems to be
Knights Service, or Escuage un-
certain. Perkins, sect. 650.

Foreign Attachment is an At-
tachment of the Goods of Fo-
reigners within any Liberty or
City, for the Satisfaction of
any Citizen to whom the said
Foreigner owes Money.

Foreign Apposer is an Officer
in the Exchequer, to whom all
Sheriffs and Bailiffs do re-
pair, by him to be apposed of
their Green Wax: And from
thence he draws down a Charge
upon the Sheriff or Bailiff to
the Clerk of the Pipe.

Foreign Apposer.

IS an Officer in the Exchequer
whose Business it is to exa-
mine the Sheriff's Estreats with
the Record, and to ask the Sher-
riff what he can say to every
particular Sum therein.

Forest, or Forrest.

FOrest is a Place privileged
by Royal Authority, or by
Prescription, for the peaceable
Abiding and Nourishment of
the Beasts or Birds of the For-
rest, for Disport of the King:
For which there have been in
antient time certain peculiar
Officers, Laws and Orders,
Part of which appear in the
great Charter of the Forest.

Forester.

Forester is an Officer of the Forest, sworn to preserve the Vert and Venison of the Forest, to attend upon the wild Beasts within his Bailiwick, to watch and keep them safe by Day and by Night, to apprehend all Offenders there in Vert or Venison, and to present them at the Courts of the Forest, to the End they may be punished according to their Offences.

Forestall.

Forestall is, to be quit of Amerciaments and Cattels arrested within your Land, and the Amerciaments thereof coming.

Forestaller.

Forestaller is he that buys Corn, Cattle, or other Merchandize whatsoever, by the Way as it comes to Markets, Fairs, or such like Places to be sold, to the Intent to sell the same again at a more high and dear Price, in Prejudice of the Commonwealth and People, &c.

The Pain for such as are convicted thereof is, for the first Time, two Months Imprisonment, and Loss of the Value of the Thing sold.

The second Time, Imprisonment by the Space of Half a Year, and Loss of double Value of the Goods, &c.

The third Time, Imprisonment during the King's Pleasure, and Judgment of the Pillory, and to forfeit all his Goods and Chattels. See the Statute 5 Ed. 6. cap. 14.

Forester.

Forester est un Officer del Forest, que est jure pur preserve le Vert & Venison del Forest, pur attender sur les Feres deins son Bayliwick, de eux veiller & sement garder per jour & per nuit, pur attacher tous Offendors la ou en Vert ou en Venison, & eux de presenter as Courts del Forest, al intent que poient estre la punies solonque lour Delicts.

Forestall.

Forestall est, quietum esse de Amerciamentis & Catalis arrestatis infra Terram vestram, & Amerciamenta inde provenientia.

Forestaller.

Forestaller est celuy que achate Blees, Avers, ou auters Merchandize quecunque, per le chemin quand il vient al Markets, Faires, ou tiels semblable lieux destre vende, al intent a vender ceo al un plus hault & chere price, in prejudice de le Commonweale & gents, &c.

Le Penaltie pur ceux queux sont convict de ceo est, le premier temps, Imprisonment pur deux moys, & perde de le value del chose vende.

Le second temps, Imprisonment per le space de demy an, & perde de double value des biens, &c.

Le tierce temps, Imprisonment durant le pleasure le Roy, & judgement del Pillory, & forfeiture de tous ses biens & chateux. Veies le Statute 5 Ed. 6. cap. 14.

Forfeiture del Marriage.

FORfeiture del Marriage fuit un Brief que gisoit pur le Seignior en Chivalry vers son Gard, que refuse un convenable Marriage tender a luy per son Seignior, & deins age marrie un auter sans le assent son Seignior. Et veies pur ceo *Fitzh. N. B. fol. 141. g. &c.*

Forger des faux Faits.

FORger des faux Faits venust de parol *Francois Forger*, que signifie fabricare, framer & fashioner, come un Forgeron son overage sur l'Enclume. Et est use in nostre Ley, pur le fraudulent feaſance & publisher de faux Faits al prejudice del droit de un auter. *Fitz. en son N B fol. 96. B. C.* dit que Brief de Disceit gist vers celuy que issint forgo ascun fait.

Forjudger.

FORjudger est un Judgment done en un Brief de *Mesne*, port per un Tenant envers le *Mesne* Seignior, que doit acquiter le Tenant des Services demandes per le Seignior paramount, de que le Tenement est tenu, & le *Mesne* ne voile appear; donques Judgment sera done, que le *Mesne* Seignior perdra son Seigniorie, & que le Tenant dillonques tiendradel Seignior paramount per tiels Services come le *Mesne* tenoit devant, & seroit discharge del Services queux il rendroit al *Mesne*, per le Statute de *West. 2. cap. 9.* que est appel un *Forjudger*.

Et auxy si un Attorney ou auter Officer in ascun Court

Forfeiture of Marriage.

FORfeiture of Marriage was a Writ that lay for the Lord by knights Service against his Ward, who refused a convenient Marriage offered him by his Lord, and married another within Age without the Assent of his Lord. And see for this *Fitz. N. B. fol. 141. g. &c.*

Forger of false Deeds.

FORger of false Deeds comes of the French Word *Forger*, which signifies to frame or fashion a Thing, as the Smith doth his Work upon his Anvil. And it is used in our Law for the fraudulent Making and Publishing of false Writings to the Prejudice of another Man's Right. *Fitz. in his N. B. fol. 96. B. C.* says, that a Writ of Deceit lies against him that thus forges any Deed.

Forejudger.

FOREjudger is a Judgment given in a Writ of *Mesne*, brought by a Tenant against a *Mesne* Lord, who should acquit the Tenant of Services demanded by the Lord above, of whom the Tenement is holden, and the *Mesne* will not appear; then Judgment shall be given, that the *Mesne* Lord shall lose his Seigniorie, and that the Tenant from thenceforth shall hold of the Lord above by such Suits as the *Mesne* held before, and shall be discharged of the Services which he yielded to the *Mesne*, by the Statute of *West. 2. cap. 9.* which is called a *Forejudger*.

Also if an Attorney or other Officer in any Court be put out and

and forbidden to use the same, he is said to be forejudged the Court.

soit ouste & prohibite de user ceo, il est dit destre forjude le Court.

Formedon.

Formedon is a Writ that lies where Tenant in Tail infeoffs a Stranger, or is disseised, and dies; his Heir shall have a Writ of Formedon to recover the Land. But there are three Manner of Formedons. One is in the Descender, and that is in the Case before said. And if one give Land in the Tail, and for Default of Issue the Remainder to another in the Tail, and that for Default of such Issue the Land shall revert to the Donor; if the first Tenant in Tail die without Issue, he in the Remainder shall have a Formedon in the Remainder: But if the Tenant in the Tail die without Issue, and he in the Remainder also die without Issue, then the Donor or his Heirs shall have a Formedon in the Reverter.

Forsechoke.

Forsechoke seems to signifie as much as Forsaken, in our modern Language: It is especially used Anno 10 Edw. 1. cap. unico, for Lands or Tenements seized by the Lord, for Want of Services due from his Tenant, and so quietly held and possessed beyond the Year and Day.

Founder.

Founder is he that uses the Art of Belting or Dissolving Metals, and making any Thing thereof by casting in Molds. He seems to have his Name from the Latin Word Fundere, and is

Formedon.

Formedon est un Brief, & gift lou Tenant en le taile infeoffa un Estranger, ou est disseisee, & devie; son Heire avera Brief de Formedon pur recover le Terre. Mes sont trois Briefs de Formedon. Un est en le Descender, & ceo est in le case avant dit. Auxy si un done Terre en le taile, & pur default de issue le Remainder a un autre en le taile, & que pur default de tiel issue le Terre revertera al Donor; si le primer Tenant en le taile devie sans issue, cestuy en le Remainder avera un Brief de Formedon en le Remainder. Mes si le Tenant en le taile devie sans issue, & cestuy en le Remainder auxy devie sans issue, donques le Donor ou ses heires avera un Formedon en le Reverter.

Forsechoke.

Forsechoke semble de signifier si mult come forsaken, en nostre moderne language: Il est especialment use Anno 10 Ed. 1. cap. unico, pur Terres ou Tenements seisee per le Seignior, pur defaut del Services due a son Tenant, & issint quiete tent & possesse passe le an & jour.

Founder.

Founder est celuy que use le art del Amolir ou dissolver Metals, & de fair ascun choses de eux per jecter en Molds. Semble daver son nosme del Latino parol Fundere, &

& est mention en le Stat. de 17
R. 2. cap. 1.

mentioned in the Statute of 17
R. 2. cap. 1.

Fourcher.

Fourcher est un devise use a
delayer le Plaintiff ou De-
mandant en un Suit envers
deux, queux a ceo ne sont de
responde tanque ils ambideux
appeare, & le Appearance ou
Essoine de un de eux voile ex-
cuser le Defalt del auter a cel
jour ; & eux agreea, que le un
de eux seulement serra essoine
ou appearrera al un jour, &
pur default del Appearance
del auter, avoir jour ouster
de appearer, & le auter Partie
avera mesme le jour ; & a ceo
jour le auter voile appearer ou
estre essoine, & cestuy que
devant appearoit ou fuit es-
soine ne voile donques ap-
peare, pur ceo que il esperoit
daver auter jour pur le Ad-
journalment del partie que don-
ques appiert ou est essoine.
Ceo est appel *Fourcher*, & en
ascuns cases le mischiefe per
ceo est remedie per le Statute
de *Gloucest. cap. 10. & Westm.*
1. cap. 42.

Foutgeld, ou Footgeld.

Foutgeld est un parol com-
pound del deux *German*
parols, *Fout*, *Pes*, & *Gyldan*,
solvere, & signifie un Amer-
ciament pur non absclinder les
Balls des pees de grand Chiens
deins le Forest. Et de estre
quit de *Footgeld* est de aver
privilege de retainer tiels
Chiens en le Forest sans pu-
nishment. *Manwood, Forest Ley*,
cap. 25. num. 3.

Fourcher.

Fourcher is a Devise used to
delay the Plaintiff or De-
mandant in a Suit against two,
who thereto are not to answer
till they both appear, and the
Appearance or Essoin of one
will excuse the other's Default
at that Day ; and they agree,
that the one shall be essoined or
appear one Day, and for lack of
the Appearance of the other,
have Day over to appear, and
the other Party shall have the
same Day ; and at that Day
the other will appear or be es-
soined, and he that appeared or
was essoined before will not
then appear, because he hoped
to have another Day by the
Adjournment of the Party who
then appeared or was essoined.
This is called *Fourcher*, and in
some Cases the Mischiefe thereby
is remedied by the Statute of
Gloucester. cap. 10. and Westm. 1.
cap. 42.

Foutgeld, or Footgeld.

Foutgeld is a Word compound-
ed of two German Words,
Fout, *Pes*, and *Gyldan*, *solvere* ;
and signifies an Amerciament
for not cutting out the Balls of
the Feet of great Dogs within
the Forest. And to be quit of
Footgeld is to have a Privilege
to keep such Dogs in the Forest
without Punishment. *Man-
wood, Forest Law*, cap. 25.
num. 3.

Franchise.

FRanchise is a French Word, and signifies in our Law an Immunity or Exemption from ordinary Jurisdiction; as for a Corporation to hold Pleas within themselves to such a Value, and the like. See of this in the Old Nat. Brev. fol. 4. a, b.

Franchise Royal.

FRanchise Royal is, where the King grants to one and his Heirs, that they shall be quit of Toll, or such like.

Free Alms.

FRee Alms is, where in ancient Times Lands were given to an Abbot and his Convent, or to a Dean and his Chapter, and to their Successors, in pure and perpetual Alms, without expressing any Service certain; this is Frank-almoigne; and such are bound before God to make Orisons and Prayers for the Donor and his Heirs, and therefore they do no Fealty; and if such as have Lands in Frank-almoigne perform no Prayers nor Divine Service for the Souls of the Donors, they shall not be compelled by the Donors to do it, but the Donors may complain to the Ordinary, praying him that such Negligence be no more, and the Ordinary of right ought to redress it.

But if an Abbot, &c. holds Lands of his Lord for certain Divine Service to be done, as to sing every Friday a Mass, or do some other Thing; if such Divine Service be not done, the Lord may distrain,

Franchise.

FRanchise est un parol Francois, & signifie en nostre Ley un immunitie ou exemption del ordinarie Jurisdiction; come pur un Corporation de tener Pleas deins eux mesmes a tiel value, &c. Veies de ceo en Vieux N. B. fol. 4. a, b.

Franches Royal.

FRanches Royal est, lou le Roy grant al un & a ses heires que ils serra quit de Tolne, vel hujusmodi.

Frank-almoigne.

FRank almoigne est, lou en ancient temps Terres fueront dones a un Abbot & son Convent, ou a un Deane & a le Chapter, & a lour Successors, en pure & perpetual Almoigne, sans expresser aucun Service certaine; ceo est Frank-almoigne; & ils sont tenus devant Dieu, de fair Oraisons & Prayers pur la Donor & ses Heires, & pur ceo ils ne feront Fealtie; & si tiels que ont Terres en Frank-almoigne ne font aucun Prayers ne Divine Service pur les Ames le Donors, ils ne feront per les Donors a ceo compelles, mes les Donors poyent complain al Ordinarie, luy preyant que tiel negligence ne soit plus avant, & le Ordinarie de droit ceo doit faire.

Mes si un Abbe, &c. tient Terres de son Seignior pur certaine Divine Service destre fait, come de chanter chescun Vendredie un Masse, ou de faire auter chose certaine; si tiel Divine Service ne soit fait,

fait, le Seignior poit distrein, & en tiel case le Abbe doit faire a le Seignior Fealtie : Et pur ceo il nest pas dit Tenure en *Frank-almoigne*, mes Tenure per *Divine Service* ; car nul poit tener en *Frank-almoigne*, si soit expresse ascun certain Service.

Franke-Bank.

FRanke-Bank sont Copihold-terres que le feme, esteant espouse un Virgin, ad apres le mort sa baron pur sa Dower, *Kitch. fol. 102. Brañ lib. 4. tract. 6. cap. 13. num. 2.* ad ceux parols ; *Consuetudo est in partibus illis, quod uxores maritorum defunctorum habeant.* *Francum Bancum de Terris Sockmannorum, & teneant nomina Dotis.* *Fitzh.* appel ceo un Custome, per que en ascuns Cities le feme avera tous les Terres de sa baron pur sa Dower, *N. B. fol. 150. Veies Plow. fol. 411.*

Franke-Chafe.

FRanke-Chafe est un Franchise, per que tous homes ayant Terre deins cel compasse sont prohibit de succider le Bois, ou discover, &c. sans le view del Forrester, nient obstant que soit son demesne. *Crompt. Juris. f. 187.*

Franke-Fee.

*T*ENER in *Franke-Fee* est, a tener in Fee-simple Terres pleadable a la Common Ley, & nient en Ancient Demesne. *See Reg. Orig. fol. 12, 14. Fitz. Nat. Brev. fol. 161,*

and in such Case the Abbot ought to do Fealty to the Lord : And therefore it is not said Tenure in *Frank-almoigne*, but Tenure by *Divine Service* ; for none can hold by *Frank-almoigne*, if any certain Service be expressed.

Frank-Bank.

FRank-Bank, or Free Bench, are Copihold-Lands, which the Wife, being married a Virgin, hath after the Decease of her Husband for her Dower, *Kitch. f. 102. Brañ lib. 4. tract. 6. cap. 13. num. 2.* hath these Words ; There is a Custom in those Parts, that the Wives, their Husbands being dead, should have *Frank Bank* of Lands of Sockmans, and hold it in Name of Dower. *Fitz.* calls this a Custom by which in some Cities the Wife shall have all the Lands of her Husband for Dower, *N. B. fol. 150. See Plow. fol. 411.*

Frank-Chafe.

FRank-Chafe is a Liberty, by which all Men having Land within this Compass are prohibited to cut down the Wood, or discover, &c. without the View of the Forrester, although it be his own. *Crompt. Jur. f. 187.*

Frank-Fee.

*T*O hold in *Frank-Fee*, is, to hold in Fee-simple Lands pleadable at the Common Law, and not in ancient Demesne. *See Reg. Orig. fol. 12, 14. Fitz. Nat. Brev. fol. 161.*

Frank-Fold.

FRANKFOLD is where the Lord hath Benefit of folding his Tenants Sheep within his Manor for the Manuring of his Land. *Keilw. Rep. 198.*

Frank-Law.

FRANK-LAW: See *Crompt. Just. of Peace, f. 151.* where you may find what this is by the contrary: For he that for an Offence, as Conspiracy, loses his Frank-Law, is said to fall into these *Wischiefs*. First, that he shall never be impanelled upon any Jury or Assize, or otherwise used in saying any Truth: 2. Also, if he have any Thing to do in the King's Court, he shall not approach thither in Person, but must appoint his Attorney: 3. His Lands, Goods and Chattels are to be seized into the King's Hands, and his Lands must be estreped, his Trees rooted up, and his Body committed to Prison.

Free-Marriage.

FREE-MARRIAGE is, when a Man seized of Land in Fee-simple gives it to another Man and his Wife, who is the Daughter, Sister, or otherwise of kin to the Donor in Free-Marriage, by Virtue of which Words they have an Estate in Special Tail, and shall hold the Land of the Donor quit of all Manner of Services, until the fourth Degree be past, accounting themselves in the first Degree; except Fealty, which they shall do, because it is incident to all Tenures, saving Free-Alms. And such Gift may be made as well after Marriage solemnized, as before. As a

Franke-Fold.

FRANKE-FOLD est lou le Seignior avoit benefit de folder les Berbits de son Tenants deins son Manor pur le manuring de son Terre. *Keilw. Rep. 198.*

Franke-Ley.

FRANK-LEY: Veies *Crompt. Just. de Peace, f. 151.* ou vous poyes trove que ceo est per le contrarie: Car celuy que pur un offence, come Conspiracy, perde son *Frank Ley*, est dit de cader en ceux males. 1. Que il ne unques serra impanel sur aucun Jurie ou Assise, ou auterment use en disant aucun voiertie: 2. Auxy sil ad aucun chose a faire en le Court le Roy, il ne la viendra en person, mes covient a designe son Attornie: 3. Ses Terres, Biens & Chateaux sont destre seisie en les maines le Roy, & ses Terres ferront estreape, ses Arbres radicate, & son Corps commise al prison.

Franke Marriage.

FRANKE-MARRIAGE est, quand un home seisie de Terre en Fee-simple done ceo al autre home & sa feme, que est file, soer, ou auterment de kin al Donor, in *Franke-Marriage*, per vertue de queux parols ils ont un Estate en special tail, & tiendront le Terre del Donor quitte de tous manners des Services, tanque le quart degree soit passe, accountant eux mesmes en le prime degree; si non Fealtie, queux ils ferront, pur ceo que est incident a tous Tenures, forsque *Franke-almoigne*. Et tiel Done poit estre fait cy-bien

bien apres Marriage solemnize, come devant. Et home poit doner Terres a son firs en *Franke-Marriage*, cybien come a son File, per le opinion de *Fitz.* en son Brief de *Champerie*, H.

Mes il appiert auterment en *Littleton*, & en *Brooke*, tit. *Franke-Marriage*, pla. 10. Et issint il fuit tenus clere en *Greys-Inne* en Lent, An. 1576. 18 El. per M. *Rhodes*, donques Lector la.

Franke-Plege.

FRanke-Plege signifie un Plege ou Suretie pur franke homes, solongue le ancient Custom de *Angleterre*, pur preservation del publique Paix. Veies Statute pur *Vieu de Franke-Plege*, An. 18 Ed. 2. & Veies *Vieu de Franke-Plege*.

Franke-Tenement.

FRanke-Tenement est un Estate que home ad en Terres ou Tenements, ou Profit a prendre en Fee-simple, tail, pur terme de son vie demesne ou de auter vie, en Dower, ou per le Curtesie de *Angleterre*: Et south ceo il nest *Franke-Tenement*; car il que ad Estate pur ans, ou tient a volunt, nad ascun *Franke-Tenement*, mes ils sont appels *Chatels*.

Et de *Franke-Tenements* il y ad deux sorts, viz. *Franke-Tenement* en fait, & *Franke-Tenement* en Ley.

Franke-Tenement en fait est, quand un home ad entre deins Terres ou Tenements, & est seisie de ceo realment & actualment: Sicomme le pere seisie de Terres ou Tenements en Fee-simple devie, & son firs enter en eux come heir a son

Man may give Lands to his Son in Free-Marriage, as well as to his Daughter, by the Opinion of *Fitzh.* in his writ of *Champertie*, H.

But it appears otherwise in *Littleton*, and in *Brooke*, tit. *Frank-Marriage*, pla. 10. And so it was holden clear in *Greys-Inn* in Lent, An. 1576. 18 Eliz. by M. *Rhodes*, then Reader there.

Frank-Pledge.

FRank-Pledge signifies a Pledge or Surety for Free-Men, according to the ancient Custom of England, for Preservation of the publick Peace. See the Statute for View of Frank-Pledge, Anno 18 Ed. 2: and see View of Frank-Pledge.

Free-Hold.

FRee-Hold is an Estate that a Man hath in Lands or Tenements, or Profit to be taken in Fee-simple, Tail, for Term of his own or another's Life, in Dower, or by the Curtesie of England: And under that there is no Freehold; for he that hath Estate for Years, or holds at Will, hath no Free-Hold, but they are called Chattels.

And of Free-Holds there are two Sorts; viz. Free-Hold in Deed, and Free-Hold in Law.

Free-Hold in Deed is, when a Man hath entred into Lands or Tenements, and is seised thereof really and actually: As if the Father seised of Lands or Tenements in Fee-simple dies, and his Son enters into the same as Heir to his Father, then

then he hath a Free-Hold in Deed by his Entry.

Free-Hold in Law is, when Lands or Tenements are descended to a Man, and he may enter into them when he will, but hath not yet made his Entry in Deed : As in the Case aforesaid, if the Father, being seised of Lands in Fee, die seised, and they descend to his Son, but the Son hath not entered into them in Deed, now before his Entry he hath a Free-Hold in Law.

Freebord.

Free-Bord in some Places is a Right of claiming a certain Quantity of Land beyond or without the Fence, containing about two Foot and an Half. Mon. Angl. 2 part, fol. 241.

Free-Chapel.

Free-Chapel by some is said to be a Chapel founded within a Parish for the Service of God by some religious Person, over and above the Mother Church, to which it was free for every Parishioner to come, and is endowed by the Founder ; but others (and that more likely) say, that those are only Free-Chapels which are of the Foundation of the King, exempt from the Ordinary's Jurisdiction : But the King may license a Subject to build such a Chapel, and by his Charter may exempt it from the Ordinary's Jurisdiction. See Reg. Orig. 40, 41.

Frenchman.

Frenchman was wont to be used for every Outlandish man. Bracton, lib. 3. Tract. 2. §. 15. See Engletherry.

pere, donques il ad un Franke-Tenement en fait per son Entrée.

Franke-Tenement en Ley est, quand Terres ou Tenements sont descendus al un home, & il poit enter en eux quand a luy pleist, mes nad uncore fait son Entrée en fait : Come en le case avant-dit, si le pere, esteant seise de Terres en fee, devie seise, & ils descend a son fits, mes le fits ne ad uncore enter en fait en eux ; ore devant son Entrée il ad un Frank-Tenement en Ley.

Freebord.

Free-Bord en ascun lieux est un droit de clamer un certain quantiry de Terre ouster le Fence, contenant deux pieds & un demie. Mon. Angl. 2 part, fol. 241.

Free-Chapel.

Free-Chapel per ascuns est dit de estre un Chapel foundue deins un Parish pur le Service de Dieu per le liberality de ascun devout Person, ouster le Parish Esglise, a que chescun Parishioner poet resorter, & est endowe per le Founder ; Mes auters, (& ceo plus probablement) dient que ceux sont seulement Free-Chapels que sont del Foundation del Roy exempt del Jurisdiction del Ordinary : Mes le Roy poet licenser un Subject de erecter tiel Chapel, & per son Charter exempter ceo del Jurisdiction del Ordinary. Veies Reg. Orig. 40, 41.

Frenchman.

Frenchman fuit use pur chescun Alien. Bract. l. 3. Tract. 2. c. 15. Veies Engletherry. Friend.

Friendless Man.

Friendless Man fuit le veil
Saxon parol pur luy que
nous appellomus un Outlaw ;
nam forisfecit Amicos suos. Bract.
lib. 3. Traff. 2. cap. 12.

Fresh Force.

Fresh Force (*Frisca Forcia*) est
un Force commise deins
ascun Citie ou Borough, come
per Disseisin, Abatement, In-
trusion, ou Deforcement des
ascuns Terres ou Tenements
deins le dit Citie ou Borough.
Pur redresser de quel tort,
cestui que droit ad poit per
le Usage del dit Citie ou Bo-
rough aver son remedie sans
Brief, per un Assise ou Bill de
Fresh Force port deins 40 jours
apres le Force commise, ou
Title a luy accrue. En quel
Action il poit faire son pro-
testation de suer en le nature
de quel Brief que il voit. Et
veies pur ceo matter *Fitzh.*
N. B. f. 7. C. & Vieux N. B. f.
4. a.

Fresh Suit.

Fresh Suit est, quand un home
est robbe, & le partie issint
robbe pursua le Felon imme-
diatement, & luy prist ove le
manner, ou autrement, & don-
ques port un Appeale envers
luy, & luy convince del Fe-
lonie per Verdict ; le quel
chose esteant enquire pur le
Roy & trove, le partie robbe
avera restitution de ses biens
arere.

Item il poit este dit que le
partie fait *Fresh Suit*, nient ob-
stant que il ne prist le Felon
presentment, mes que il soit
demy an ou un an apres le
Robberie fait devant que il

Friendless Man.

Friendless Man was the old
Saxon Word for what we call
an Outlaw ; *nam forisfecit Ami-*
cos suos. Bracton, Lib. 3. Traff.
2. cap. 12.

Fresh Force.

Fresh Force (*Frisca Forcia*) is
a Force committed in any
City or Borough, as by Dis-
seisin, Abatement, Intrusion,
or Deforcement of any Lands
or Tenements within the said
City or Borough. For the
Redressing of which Wrong, he
that hath Right may by the Usage
of the said City or Borough
have his Remedy without Writ,
by an Assise or Bill of Fresh Force
brought within forty Days after
the Force committed, or Title
to him accrued. In which Action
he may make his Protestation to
sue in the Nature of what Writ
he will. And see for this Mat-
ter *Fitz. Nat. Brev. f. 7. c. and*
Old N. B. f. 4. a.

Fresh Suit.

Fresh Suit is, when a Man is
robbed, and the Party so
robbed follows the Felon im-
mediately, and takes him with
the Manner, or otherwise, and
then brings an Appeal against
him, and doth convict him of
the Felony by Verdict ; which
Thing being enquired of for the
King, and found, the Party
robbed shall have Restitution of
his Goods again.

Also it may be said, that the
Party made Fresh Suit, although
he take not the Thief presently,
but that it be Half a Year or a
Year after the Robbery done
before he be taken ; if so be the
Party

Party robbed do what lies in him, by diligent Enquiry and Search, to take him; yea, although he be taken by some other Body, yet this shall be said Fresh Suit.

Fresh Suit is also, when the Lord comes to distrain for Rent or Service, and the Owner of the Beasts makes Rescous, and drives them into another's Ground not holden of the Lord, and the Lord follows presently and takes them. And so in other like Cases.

Friperer.

Friperer is a Word used in the Statute of 1 Jac. c. 21. for a kind of Broker. And it seems to be a Word taken from the French Word *Fripier*, to trick up old Things; and therefore a Friperer is one that uses to dress old Clothes to sell again.

Frumgyld.

Frumgyld is an old Saxon Word, which signifies the first Payment made to the kindred of a slain Person, in recompence of his Murder, L. L. *Edmundi, c. ult.*

Fryth.

Fryth signifies a Plain between two Woods, and so is used in Dooms-day.

Fugitives Goods.

Fugitives Goods are the proper Goods of him that flies upon Felony, which, after the flight lawfully found, do belong to the King. Co. lib. 6. f. 109. b.

soit prise; si soit issint que le partie robbe fait tant que en luy est per diligent enquirie & search, de luy prender; & nient obstant que il est prise per un auter home, uncore ceo serra dit *Fresh Suit*.

Fresh Suit est auxy, quand le Seignior vient pur distrein pur Rent ou Service, & le Owner des Beasts fait rescous; & enchase eux en auters Terres que nest tenus del Seignior, & le Seignior ensue presentment, & reprist eux. Et issint en auter semblables cases.

Friperer.

Friperer est un parol use en le Statute de 1 Jac. c. 21. pur un sort des Brokers. Et semble destre un parol prise del *Francois Fripier*, *Interpolare*; & pur ceo un *Friperer* est un que use de Polir vieux Vestiments pur vender arere.

Frumgyld.

Frumgyld est un veil Saxon parol, que signifie le prime Payment fait al kindred de un person occise, en recompence de son Murder. L. L. *Edmundi c. ult.*

Fryth.

Fryth signifie un Plain deins deux Boscs, & issint est use en Dooms-day.

Fugitives Biens.

Fugitives Biens sont les proper Biens de luy que fue sur Felonie, le quel, apres le Flight loyalment trouve, appertein a Roy. Coke, lib. 6. fol. 109. b.

G.

Gable.

Gable, *Gablum*, est en ancient Records un vieux parol que signifie un Rent, Dutie, Custome, ou Service yield ou fait al Roy ou ascun auter Seignior. Veies le Comment in *Littl. fol. 142. a.*

Gager de Deliverance.

Gager de Deliverance est, lou un sua Replevin de biens prise, mes il ne ad Deliverie des biens, & le auter avowa, & le Plaintiff monstra que le Defendant est uncore possesse des biens, &c. & pria que Defendant *gagera Deliverance*; donques il mittera eins Suretie ou Plege pur le Redeliverance, & un Brief issera al Viscount pur redeliverer les biens, &c. Mes si home claime propertie, il ne *gagera Deliverance*.

Auxy sil dit que le Avers sont morts en le Pound, il ne *gagera*, &c.

Auxy home ne *gagera* jammes le Deliverance avant que ils soient a Issue, ou Demurrer en Ley, ut dicitur.

Gainage.

Gainage (*Wainagium*) semble de vener del parol Francois *Gaignage*, id est, Questus sive Lucrum; mes en nostre Ley il signifie le Profit plus properment que venust

G.

Gable.

Gable, *Gablum*, in ancient Records is an old Word that signifies a Rent, Duty, Custom, or Service yielded or done to the King, or any other Lord. See the Comment upon *Littl. fol. 142. a.*

Gager de deliverance.

Gager de Deliverance is, where one sues a Replevin of Goods taken, but he hath not the Goods delivered, and the other avows, and the Plaintiff shews that the Defendant is yet possessed of the Goods, &c. and prays, that the Defendant may gage the Deliverance; then he shall put in Surety or Pledges for the Redeliverance, and a Writ shall go forth to the Sheriff to redeliver the Goods, &c. But if a Man claim Property, he shall not gage Deliverance.

And if he say that the Beasts are dead in the Pound, he shall not gage, &c.

Also a Man shall never gage the Deliverance before they are at Issue, or Demurrer in the Law, as it is said.

Gainage.

Gainagium (*Wainagium*) seems to come from the French Word *Gaignage*, id est, Gain or Profit; but in our Law it signifies the Profit most properly that comes by the Tillage of Land.

Land. And therefore in the Statute of Mag. Chart. c. 14. it is enacted, that a Villain shall be amerced, saving his Gainage; and in West. 1. c. 6. saving his Gainage; and in c. 17. it is enacted, that he that deforces any of the Deliverances of the Beasts by Replevin, shall render unto the Plaintiff his double Damages which he hath sustained in the Beasts, or in his Gainage disturbed, &c. And by the Statute of Distress of the Churches made in 51 H. 3. it is enacted, that no Man of Religion, or other, shall be distrained by the Beasts that gain his Land.

Galli-halpens.

Galli halpens were a certain Coin prohibited by the Stat. An. 3 H. 5. c. 1.

Gaol.

Gaol, or Gayle, comes of the French Word Geole, which signifies a Cage for Birds; but metaphorically is used for a Prison. And from thence the keeper of the Prison is called a Gaoler or Gayler.

Garbe.

Garbe comes of the French Garbe or Gerbe, which signifies a Bundle or Sheaf. This Word is used in the old Statute, called Charta de Foresta, cap. 7. where Herbas in the Latin is translated Garbe in English.

Garble.

Garble is to sort and chuse the good from the bad, as the Garbling of the Bow-Staves, An. 1 R. 3. c. 11. and the Garbling of Spice is nothing else but to purifie it from the Dross

del Tillage del Terre. Et par ceo en le Statute de Mag. Chart. c. 14. est enact, que un Villain serra amerce salvo Wainagio suo; & en West. 1. c. 6. save son Gainage; & c. 17. est enact, Que celui que deforce aucun del deliverance des Avers per Replevin, rendra al Plaintiff le double des damages queux il ad receive de ses Avers, ou de son Gainage disturbe, &c. Et per le Statute de districtione Scaccarii fait en 51 H. 3. est enact, que nul home de Religion ou autre serroit distreine per les Avers que gaine son Terre.

Galli-halpens.

Galli-halpens fuerunt certain Coin prohibit per le Stat. Anno 3 H. 5. c. 1.

Gaole.

Gaole, ou Gayle, venust de parol Francois Geole, id est Carceola, mes metaphorice est use pur un Prison. Et de ceo le Gardian del Prison est apel un Gaoler, ou Gayler.

Garbe.

Garbe venust del Francois Garbe ou Gerbe, id est, Fascis. Cest parol est use en le vieux Stat. appel Charta de Foresta, c. 7. lou Herbas en le Latine est translate Garbe en Anglois.

Garble.

Garble est de sorter & selester le bone chose de le male; come le Garbling de Bow-staves, An. 1 R. 3. c. 11. & le Garbling de Spice est riens autre forsque de Purifie

ceo

ceo del Droffe ove que il est
mixe. Veies de ceo a large
en le Statute 1 Jac. c. 19. &
21 Jac. c. 19.

with which it is mixed. See of
that at large in the Statute of
1 Jac. c. 19. and 21 Jac. c. 19.

Garde.

Garde est, quand un Enfant
quel Ancestor tient per
Service de Chivalry, est en le
Gard & Custodie de le Seig-
nior de que ils fueront tenus.
Et si le Tenant tient de di-
vers Seigniors divers Terres,
celuy Seignior de que il tient
per prioritie, cestascavoir, per
le plus ancien Tenure, a-
vera le Gard : Mes si un Te-
nure soit auxy ancien que le
aut, donques celuy que primes
gaine le Gard de le Corps gar-
dera ceo : Mes chescun Seig-
nior avera le Gard del Terre
que est tenus de luy. Et si le
Tenant tient ascun Terre del
Roy en chief, le Roy per son
Pferogative avera le Gard del
Corps, & de tout le Terre que
est tenus de luy, & de chescun
auter Seignior.

Auxy sont divers Briefs de
Gard. Un est Brief de Droit de
Gard, & gist lou le Tenant
devie, son Heire deins age,
& un Estranger entra en le
Terre, & happa de aver le
Gard le Corps de l' Enfant.

Brief de Ejectment de Gard
gist, lou home est ouste de le
Gard de Terre, sans le Corps
de le Enfant.

Brief de Ravishment de Gard
gist, lou le Corps est prise
de luy solement, & nient le
Terre.

Mes veies le Stat. 12 Car. 2.
c. 24. pur Abolishing le Court
del Words, &c.

Gard.

Gard, oz Ward, is, when an
Infant, whose Ancestor held
by Knight-Service, is in the
Ward oz keeping of the Lord
of whom those Lands were
holden. And if the Tenant hold
of divers Lords, divers Lands,
the Lord of whom the Land is
holden by Priority, that is, by
the more elder Tenure, shall
have the Wardship : But if one
Tenure be as old as the other,
then he that first gets the Ward
of the Body shall keep it : But
every Lord shall have the Ward
of the Land that is holden of
him. And if the Tenant hold
any Land of the King in chief,
he by his Pperogative shall have
the Ward of the Body, and of
all the Land that is holden of
him, and of every other Lord.

Also there are divers Writs
of Ward. One is a Writ of
Right of Ward, and that lies
where the Tenant dies, his Her
within Age, and a Stranger
enters into the Land, and hap-
pens to have the Ward of the
Body of the Infant.

A Writ of Ejectment of Ward
lies, where a Man is put out of
the Ward of the Land, without
the Body of the Infant.

A Writ of Ravishment of Ward
lies, where the Body is taken
from him only, and not the
Land.

But see the Statute 12 Car. 2.
c. 24. for Abolishing the Court
of Wards, &c.

Gardian.

Gardian.

Gardian, or Warden most properly, is he that hath the Wardship or Keeping of an Heir, and of his Land holden by Knight's Service, or one of 'em, to his own Use, during the Nonage of the Heir; and within that Time hath the Bestowing of the Body of the Heir in Marriage at his Pleasure, without Disparagement.

And of Wardens there are two Sorts; namely, Gardian in Right, and Gardian in Deed.

Gardian in Right is he that by Reason of his Seigniorie is seized of the Wardship or Keeping of the Land and Heir, during his Nonage.

Gardian in Deed is, where the Lord after his Seisin, as aforesaid, grants by Deed, or without Deed, the Wardship of the Land, or Heir, or both, to another, by Force of which Grant the Grantee is in Possession: The Grantee is called Gardian in Deed.

And this Gardian in Deed may grant the Heir to another also: But that other is not properly called Gardian in Deed, but Grantee of the Gardian in Right only.

But the Gardian in Socage hath the Profit only to the Use of the Heir, until he accomplish the Age of 14 Years, and must yield therefore an Account to the Heir. See more hereof, Littleton, lib. 2. cap. 4, & 5. and Staundford upon the Statute of Prerogat. cap. 1, 2, & 6.

Gardein.

Gardein, ou Wardein, plus properment, est celuy que ad le Gard ou Custodie de un Heire, & de son Terre tenus per Service de Chivalrie, ou de un de eux, a son use demesne, durant le Nonage del Heire; & deins cest temps ad le bestowing del Corps del Heire en Marriage al son vol', sans disparagement.

Et de Gardeins il y ad deux sorts; nolsmement, Gardein en Droit, & Gardein en Fait.

Gardein en Droit est celuy que per reason de son Seigniorie est seisie del Gardship ou custodie del Terre & del Heire, durant le Nonage del Heire.

Gardein en Fait est, lou le Seignior apres son Seisin, come avant dit, granta per Fait, ou sans Fait, le Gardship del Terre, ou del Heire, ou de ambideux, a un auter, per force de quel Grant le Grantee est en possession: Le Grantee est appel *Gardein en Fait*.

Et cest Gardein en Fait poit grant le Heire al auter auxy: Mes cest auter nest properment appel Gardein en Fait, mes Grantee del *Gardein en Droit* solement.

Mes le Gardein en Socage ad le profit solement al use del Heire, jesque il ad accomplish le age de 14 ans, & rendra pur ceo account al Heire. Vide pluis de ceo, *Little lib. 2. cap. 4 & 5. & Staundford. sur Stat. de Prerog. cap. 1, 2, & 6.*

Gardein des Cinque Ports.

Gardein ou Warden des Cinque Ports est un principal Officier que avoit Jurisdiction de ceux Havens en le Orient part de Engleterre, communement appel, *Le Cinque Ports*, i. e. *Hastings, Romney, Hyth, Dover and Sandwich*, & il avoit tout cel Jurisdiction que le Seigneur Hault Admiral avoit en lieux nient exempt.

Gardeins del Esglise.

Gardeins del Esglise sont Officiers elects en chescun Paroisse, pur aver le care & custodie des biens del Esglise, & ils poient aver un Action pur les biens del Esglise, & divers auters choses ils poient faire pur le benefit le Esglise; & per le Statute de 43 *El. cap. 2.* ils doivent joinder ovesque les Surveyors en le feaſance des Rates & auters provisions pur les Povres del Paroisse.

Gardein des Spiritualities.

Gardein des Spiritualities per la general Ley est le Deane & Chapter del Diocese, si ne soit un custome que le Archevesque del Province soit le Gardein sede vacante: Son Office est a tener Court, prover Testaments, granter Administrations & a supplie le lieu del Evesque.

Garnishment.

Garnishment: Sicome un Action de Detinue des Charters est port vers un, & le Defendant dit, que les

Garden of the Cinque Ports.

Garden or Warden of the Cinque Ports is a principal Magistrate, that hath Jurisdiction of those Havens in the East Part of England, commonly called, *The Cinque Ports*, i. e. *Hastings, Romney, Hyth, Dover and Sandwich*, and he hath all that Jurisdiction which the Lord High Admiral of England hath in Places not exempt.

Church-Wardens.

Church-Wardens are Officers chosen in every Parish to have the Care and Custody of the Church Goods; and they may have an Action for the Goods of the Church, and divers other Things they may do for the Benefit of the Church; and by the Statute of 43 *Eliz. cap. 2.* they are to join with the Overseers for the making of Rates and other Provisions for the Poor of the Parish.

Gardian of the Spiritualities.

Gardian of the Spiritualities, by the general Law is the Dean and Chapter of the Diocese, unless there be a Custom that the Archbishop of the Province should be the Gardein, sede vacante: His Office is to hold Courts, prove Wills, grant Administrations, and supply the Bishop's Room.

Garnishment.

Garnishment: If an Action of Detinue of Charters be brought against one, and the Defendant saith, that the Char-

ters were delibered to him by the Plaintiff and by another upon certain Conditions, and prays that the other may be warned to plead with the Plaintiff, if the Conditions be performed or no, and thereupon a Writ of Scire facias shall go forth against him; this is called Garnishment: And the other, when he comes, shall plead with the Plaintiff; and that is called Enterpleader.

Garranty.

Garranty is, when one is bound to another who hath Land, to warrant the same to him, which may be two Ways: That is, by Act of Law: As if one and his Ancestors hath held Land of another and his Ancestors, Time out of Mind, by Homage, which is called Homage Ancestrel: Or by Deed of the Party, who grants by Deed or Fine to the Tenant of the Land to Warrant it to him; upon which, if the Tenant be impleaded by him who ought to warrant or his Heirs, the Tenant shall bar the Demandant by pleading the Warranty against him, which is called Rebutter; or if he be impleaded by another in an Action wherein he may vouch, he shall vouch him who warranted, or his Heirs, and if the Plaintiff recover, the Tenant shall recover in Value against the Vouchee.

Warranty is of three Sorts; that is, Warranty Lineal, Warranty Collateral, and Warranty that begins by Disseisin.

Warranty Lineal is, where a Man seised in Fee or in Tail, makes a Feoffment to another, and binds him and his Heirs to Warranty, and hath Issue a Son, and dies, and the Warranty

Charters fueront deliver a luy per le Plaintife & per un autre sur certaine Conditions, & prie que le autre soit garnie de pleader ove le Plaintife, si les Conditions sont perimple, ou nemy, & sur ceo un Brief de Scire facias issira vers luy; ceo est appel Garnishment; & le autre quand il vient eins pledera ove le Plaintife; & ceo est appel Enterpleader.

Garranty.

Garranty est, quand un est lie al autre que ad Terre, de garrant le mesme a luy; le quel poit estre per deux meanes: Cestascavoir per Act del Ley: Come si un & ses Ancestors ont tenus Terre del autre & ses Ancestors per temps dont memorie ne court per Homage que est appelle Homage Ancestrel: Ou per le Act del partie, que grant per fait ou Fine al Tenant del Terre de garrant ceo a luy; sur quel si le Tenant soit impleade per luy que doit garrant ou ses heires, le Tenant barra le demandant per pleader de Garranty vers luy, que est appel Rebutter, ou si soit emplede per autre en Action en que il poit vouch, il vouchera cestuy que garrante, ou ses Heires, & si le Plaintiff recover, le Tenant recouvrera en value vers le Vouchee.

Garrantie est en trois maners; cestascavoir, Garrantie Lineal, Garrantie Collateral, & que commence per Disseisin.

Garrantie Lineal est, lou home seisie en fee, ou en tail fait Feoffment a un autre, & oblige luy & ses heires a Garrantie, & ad issue fitz, & mort, & le Garrantie descend

a son fitz. Car si nul Fait ove Garrantie uist este fair, donques le droit des Terres discenderoit al fitz, come Heire a son pere, & il conveieroit le Discend de le pere a le fitz.

Mes si Tenant en le tail discontinua le tail, & ad issue, & devie, & le Uncle del issue releffa al Discontinuee ove Garrantie, &c. & morust sans issue; ceo est *Collateral Garrantie* al issue en le tail, pur ceo que le Garrantie discend sur le issue, le quel ne poit soy conveyer a le tail per le mean de son Uncle.

Et en chescun case lou home demanda Terres en Fee-tail per Brief de *Formedon*, si asc' Ancestor del issue en le tail fait un *Garrantie*, & cestuy que sue le Brief de *Formedon*, per possibilitie del matt' que puisset estre fait, convey a luy Title per force del son done que fist le Garrantie, &c. ceo est donques un *Lineal Garrantie*, per quel le issue en le rail ne ferra barre, sinon que il ad Affets a luy descendus en Fee-simple. Mes si il ne poit per asc' possibilitie convey a luy Title per force del Done de celuy que fist le Garrantie, donques ceo est un *Collateral Garrantie*, & per la le issue en le tail ferra barre sans ascuns Affets. Et le cause que tiel *Collateral Garrantie* est un Barre al issue en le tail est, pur ceo que toutes Garranties, devant le Statute de *Gloucester*, queux descendant a ceux queux sont Heires a ceux que fesoient les Garranties, fueront Barres a mesme les Heires a demander asc' Terres forspise les Garranties que commence per

descends to his Son. For if no Deed with Warrantie had been made, then the Right of the Lands should have descended to the Son, as Heir to his Father, and he shall convey the Descent from the Father to the Son.

But if the Tenant in Tail discontinues the Tail, and hath Issue, and dies, and the Uncle of the Issue releases to the Discontinuee with Warrantie, &c. and dies without Issue; this is a Collateral Warrantie to the Issue in Tail, for that the Warrantie descends upon the Issue, who may not convey himself to the Tail by mean of his Uncle.

And in every Case where a Man demands Lands in Fee-tail by Writ of Formedon, if any Ancestor of the Issue in Tail makes a Warrantie, and he that sues a Writ of Formedon, by Possibility of Matter that may be done, conveys to him Title by Force of his Gift that made the Warrantie, &c. that is then a Lineal Warrantie, whereby the Issue in Tail shall not be barred, except he have Affets to him descended in Fee-simple. But if he may not by any Possibility convey to him Title by Force of his Gift that made the Warrantie, then that is a Collateral Warrantie, and thereby the Issue in the Tail shall be barred without any Affets. And the cause that such Collateral Warrantie is a Bar to the Issue in the Tail is, for that all Warranties, before the Statute of Gloucester, which descended to those who are Heirs to the warrantors, were Bars to the same Heirs to demand any Lands, except the Warranties that began by *Disseisin*; and for that the said Statute hath ordained, That

That the Warranty of the Father shall be no Bar to his Son for the Lands which come by the Heritage of the Mother, nor the Warranty of the Mother shall be no Bar to the Son for the Lands which come by the Heritage of the Father, and neither the Stat. 11 H. 7. cap. 20. nor any other Statute, hath ordained any Remedy against any other Collateral Warranty; therefore such Warranty is yet in force, and shall be a Bar to the Issue in Tail, as it was before the Statute.

And it behoves that every Warranty, whereby the Heir shall be barred, descend by Course of the Common Law to him who is Heir to the Warrantor; else it shall be no Bar: For if the Tenant in Tail of Lands in Borough-English, where the youngest Son shall inherit by the Custom, discontinues the Tail, and hath Issue two Sons, and the Uncle releases to the Discontinuee with Warranty, and dies, and the younger Son brings a Formedon; yet he shall not be barred by such Warranty, *causa qua supra*. And if any Man make a Deed with Warranty, whereby his Heir should be barred, and after the Warrantor be attaint of Felony; his Heir shall not be barred by such Warranty, for that such Warranty cannot descend upon him, the Blood being corrupt.

Warranty beginning by Disseisin is, if the Son purchase Lands, and lett them to his Father for Years, and the Father by his Deed infeoffs a Stranger, and binds him and his Heirs to Warranty, and

Disseisin; & pur ceo que le dit Statute ad ordaine, Que le Garrantie del Pere ne ferra Barre a son Fils pur les Terres que veigne del heritage le Mere, ne le Garrantie de le Mere ne ferra Barre al Fils pur les Terres que veigne del heritage del Pere; & le Statute de 11 Hen. 7 cap. 20. & nul de les Statutes, ad ordaine aucun remede encounter asc' auter *Collateral Garrantie*; ideo tiel Garrantie est uncore en sa force, & ferra Barre al issue en le taile, come il fuit devant le Statute.

Auxy il covient que tous Garranties, per que aucun Heire ferra barre, descend per course del Common Ley a celui que est Heire a Garrantor; ou autrement il ne ferra barre: Car si le Tenant en le Tail des Terres en Borough-English, lou le puisne fils inheritera per le Custome, discontinua le taile, & ad issue deux fils, & le Uncle releffa al Discontinuee ove Garrantie, & devie, & le puisne fils port *Formedon*; uncore il ne ferra barre per tiel Garrantie, *causa qua supra*. Auxy si aucun home fait un Fait ove *Garrantie*, per quel son Heir ferroit barre, & celui que fist le Garrantie soit attaint de Felonie; son Heire ne ferra barre per tiel Garrantie, pur ceo que tiel Garrantie, ne puit descendre sur luy, le sanke esteant corrupt.

Garrantie commençant per Disseisin est, si le fils purchase Terres; & lessa les Terres a son pere pur ans, & le pere person Fait de ceo enseoffa un estrang' & oblige luy & ses heires a Garrantie, & le pere
B b 2 devie,

devie, per quel le Garrantie descend al firs; uncore cest Garrantie ne barrera my le firs, mes le firs bien poit ent' nient obstant, pur ceo que cest Garrantie commençast per Disseisin, quant le pere fist le Feoffment, que fuit un Disseisin al firs. Et come est dit de Pere, issint poit estre dit de chefc' aut' Ancestor. Et mesme le ley est, si l' Ancestor soit Tenant per Elegit, ou per Statute-Merchant, & fait ascun Feoffment ove Garrantie, tiels Garranties ne ferront Barres, pur ceo que ils commenceont per Disseisin.

Garrantie des Charters.

Garrantie des Charters est un Brief quel gist lou asc' Fait est fait que comprende clause de Garrantie, cestascavoir, *Dedi* ou *Concessi*, ou cest parol *Warrantizabo*: & si le Tenant soit implead per un Estrang' en Assise ou tiel Acc' Jou il ne poit vouch a Garrantie, donques il avera cest Brief vers son Feoffor ou son Heir; & si le Terre soit recover vers luy, il recovera tant del Terre en value vers cestuy que fist le Garrantie. Mes cest Brief covient estre sue pendant le primer Brief vers luy, auterment il ad perde son advantage.

Auxy sur Garrantie en Ley, come sur Homage auncestrel, ou sur Rent reserve sur Lease de vie, ou Done en le tail, home avera Brief de Garrantie de Charters, mes nemy sur Escuage.

the Father dies, whereby the Warrantie descends to the Son; yet this Warrantie shall not bar the Son, but the Son may well enter notwithstanding, because this Warrantie began by Disseisin, when the Father made the Feoffment, which was a Disseisin to the Son. And as it is said of the Father, so it may be said of every other Ancestor. And the same Law is, if the Ancestor be Tenant by Elegit, or by Statute-Merchant, and make a Feoffment with Warrantie, such Warranties shall be no Bars, because they begin by Disseisin.

Garranty of Charters.

Garranty of Charters, is a Writ that lies where any Deed is made that comprehends a Clause of Warrantie, that is to say, *Dedi* or *Concessi*, or this Word *Warrantizabo*; and if the Tenant be impleaded by a Stranger in Assise or such Action where he may not vouch to Warrantie, then he shall have this Writ against his Feoffor or his Heir; and if the Land be recovered against him, he shall recover as much Land in Value against him that made the Warrantie. But this Writ ought to be sued depending the first Writ against him, else he hath lost his Advantage.

Also upon a Warrantie in the Law, as upon Homage auncestrel, or upon Rent reserved upon a Lease for Life, or a Gift in the Tail, a Man shall have a Writ of Warrantia Chartæ, but not upon Escuage.

Garrantie del jour.

Garrantie del jour. See for that Warrantia diei.

Garter.

Garter in French Jartier, signifies in divers Statutes and elsewhere a special Garter, being the Ensign of a Noble Order called Knights of the Garter, Camden, pag. 211.

Garth.

Garth is a little Back-side or Close in some Parts of England. Also a Dam or Wear in a River for the catching of Fish, vulgarly called a Fish-Garth.

Gavel.

Gavel signifies Tribute, Toll, Custom, annual Rent or Revenue; of which there were several sorts, as Gavel Corn, Gavel Malt, Gavel Fodder, &c.

Gavelet.

Gavelet is a special and ancient kind of Cessavit, used in Kent, where the Custom of Gavelkind continues, whereby the Tenant shall forfeit his Lands or Tenements to the Lord of whom they are holden, if he withhold from his Lord his due Rent and Services, after this Manner:

If any Tenant in Gavelkind withhold his Rent and Services of the Tenement he holds of his Lord, let the Lord seek by the Award of his Court, from three Weeks to three Weeks, to find some Distress upon the Tenement until the fourth Court, always with Witnesses. And if within that Time he can find no Distress on that Tenement, whereby he may have Justice of his Tenant, then at the fourth Court let it

Garrantie del jour.

Garrantie del jour. Veies pur ceo Warrantia diei.

Garter.

Garter, in Francois signifie en divers Statutes & autres lieux un special Garter, esteant le Enseign de un grand Order appel Chevaliers del Garter. Camden, pag. 211.

Garth.

Garth est un petit Back-side ou Close en ascuns lieux de Angletere. Auxi un Dam ou Wear en ascun River pur le amesner de Pison.

Gavel.

Gavel signifie Tribute, Toll, Custom, annual Rent ou Revenue, de queux fueront divers sorts, Gavel Corn, Gavel Malt, Gavel Fodder, &c.

Gavelate.

Gavelate est un special & ancient kind de Cessavit, use en Kent, lou le Custome de Gavelkind continue, per quel le Tenant forfeitera ses Terres & Tenements al Seignior de que ils sont tenus. sil deteine de son Seignior ses due Rents & Services, solonque cest manner.

Si ascun Tenant en Gavelkind retain sa Rent & ses Services de le Tenement qui il tient de son Seignior, querge le Seignior per agarde de sa Court, de trois semaines en trois semaines, de trouver Distresse sur cel Tenement jesque a le quart Court, a tous foits per Testmoignes. Et si deins cel temps ne trouve Distresse en cel Tenement, per queux il puisse son Tenant justifier, donques a

la quart Court soit agarde, que il preigne cel Tenement en sa maine en nosme de Distresse, auxy come fuit Boefe ou Vache. & le tient un an & un jour en sa maine sans mainoverer: deins quel terme si le Tenant vient, & rende ses arrearages, & fait reasonable amends de la reteigner, adonque eyt & enjoy sont Tenement, sicome ses Auncestors & luy avant tiendront: & sil ne vient devant l'an & le jour passe, donque aler' le Seignieur al prochein County-Court suivant, ove Testmoignes de sa Court, & face la pronuncer cel Proceffe pur Testmoignage aver; & per agard de sa Court (apres ceo County tenus) ent' & mainovera en cels Terres & Tenements sicome in son demesne.

Et si le Tenant vient apres, & voile re-aver ses Tenements, & tener sicome il fist devant, face Agree al Seignieur, si come il est antientment dit.

Nighefish selde, & neghefish gelde, & v. li. for the Were, er he become Healden. Vide de ceo 10 Henrie 3. Fitzherbert, Cessavit 60. & Statute 10 Edward 2. de Gavelet en London, en le Collection del Statutes, London 2. matter tendant mult a cel purpose, que pur cel parol Gavelet le Seignieur avera le Terre pur cesser le Tenant. Et veies Westmonast. 2. cap. 21. que done Cessavit.

Il y ad ascuns Copies que ad le primer Verse issint escript;

be awarded, that he takes that Tenement into his Hand in Name of a Distress, as if it were an Ox or Cow, and let him keep it a Year and a Day in his Hand without manuring it: Within which Term, if the Tenant come and pay his Arrearages, and make reasonable Amends for the withholding, then let him have and enjoy his Tenement, as his Ancestors and he before held it: And if he do not come before the Year and Day past, then let the Lord go to the next County-Court with his Witnesses of his own Court, and pronounce there this Process to have farther Witnesses; and by the Award of his Court (after the County-Court holden) he shall enter and manure in those Lands and Tenements as in his own.

And if the Tenant come afterward, and will re-have his Tenements, and hold them as he did before, let him make Agreement with the Lord, according as it is anciently said.

Hath he not since any Thing given, nor hath he not since any Thing payed? then let him pay v. li. for his Were, before he become Tenant or Holder again. See hereof 10 H. 3. Fitzh. Cessavit 60. and Stat. 10 Ed. 2. of Gavelet in London, in the Collection of Statutes, London 2. Matter much tending to this Purpose, that by this Word Gavelet, the Lord shall have the Land for the cessing of the Tenant. And See Westem. 2. cap. 21. which gives Cessavit.

There be some Copies which have the first Verse thus written;

Nisith yelde, and Nisith gelde :
And others thus ;

Nigesith yeld, and nigesith
geld.

But these differ not in Signi-
fication. Other Copies have it
thus ;

Nigondfith feld, and nigondfith
geld,

That is, Let him nine times
pay, and nine times repay.

Gavel-kind.

Gavel-kind is a Custom annex-
ed and going with Lands in
Kent, called Gavel-kind-lands, hol-
den by ancient Socage Tenure.
And it is thought by the Skilful
in Antiquities, to be called Gavel-
kind, of Give all kinne, that is,
to all the Kindred in one Line,
according as it is used among
the Germans, from whom we
English-men, and chiefly of Kent,
come. Or else it is called Gavel-
kind, of Give all kinde, that is,
to all the Male-childzen, for Kinde
in Dutch signifies a Male-child.
And divers other like Conjec-
tures are made touching Gavel-
kinde, which I omit.

The most usual Customs are,
That the Land is dividable be-
tween the Heirs-male ; and that
the Heir at the Age of fifteen Years
may give and sell his Land ; and
shall inherit, although his Father
be attainted and hanged for Felo-
ny ; and his Wife shall be endow-
ed of half the Land whereof her
Husband died seised ; and the
Husband shall be Tenant by the
Curtesie of the Wife, although he
have no Issue by his Wife ; but
the Estate of the Husband and
Wife ceases by their second Marri-
age. And divers other Customs are

Nisith yelde, & nisith gelde :
Et auters issint ;

Nigesith yeld, & nigesith
geld.

Mes ceux ne differ en signi-
fication. Auters Copies ont
ceo folonque cest sort ;

Nigondfith feld, & Nigondfith
geld :

Cest adire, Payera il no-
vies foits, & novies foits re-
pay.

Gavel-kinde.

Gavel-kinde est un Custome
annexe & curreant ove ter-
res en Kent, appel *Gavel kinde*-
terres, tenus en antient So-
cage Tenure. Et est pense
per les erudite en Antiquities,
destre appel *Gavel-kinde* de
Give all Kine, cest adire, a
touts les Kinne en un line,
accordant come est use enter
les *Germans*, de que nous *An-*
glois, & especialment de *Kent*,
venomus. Ou est appel *Ga-*
vel-kinde de *Give all Kinde*, cest
adire, al tous les Males, car
Kinde en *Dutch* signifie un
Male & divers auters semble
conjectures sont fait touch-
ant *Gavel kinde*, le quel jco
omit.

Les plus usual Customes
sont que le Terre est divi-
dable enter les Heires-males ;
& que le Heire al age de 15
ans poit done & vende sa
Terre ; & serra inherit, come nt
son pere soit atteint & pendue
pur felonie ; & sa feme serra
endowe del demie del Terre
dont son baron devie seisie ; &
le baron serra Tenant per le
Courtesie del demi, coment
ne avoit issue per sa feme ;
mes l'Estate del baron & feme
cease per leur second Marriage.
Et divers auters Customes sont

uses en Kent de Terres en Gavel-
kind, pur queux veyes Lam-
bard's Perambulation de Kent.

used in Kent of the Lands in
Gavel-kind, for which see Lam-
bard's Perambulation of Kent.

Gawgeour.

Gawgeour est un Officer del
Roy designe de seacher
routs Tuns, Hogsheds, Pipes
Barrels & Tertians de Vine,
Oyle, Honey, Butter, & a
done eux un Note de allow-
ance devant ils sont vendus
en ascun lieu. Et pur ceo que
cest marke est un Circle fait
ove un instrument de ferre
pur cel purpose, il semble
que il prist son nosme de ceo.
De cest Office la ad este fait
plusors Statutes: le primer
est An. 27 E. 3 cap. 8. les
autres sont 4 R. 2 cap. 1. 18
H. 6. cap. 17. 23 H. 6. cap. 16.
1 R. 3. cap. 13. & 28 H. 8. cap.
14.

Gawgeour.

Gawgeour or Gauger is an
Officer of the King appointed
to search all Tuns, Hogsheds,
Pipes, Barrels and Tertians
of Wine, Oyl, Honey, Butter,
and to give them a Mark of Al-
lowance befoze they are sold in
any Place. And because this
Mark is a Circle made with an
Iron Instrument for that Pur-
pose, it seems he takes his
Name from thence. Touching
this Office there have been made
many Statutes: The first is An.
27 E. 3. cap. 8. and the others are,
4 R. 2. c. cap. 1. 18 H. 6. c. 17.
23 H. 6. c. 16. 1 R. 3; cap. 13, and
28 H. 8. c. 14.

Gemote.

Gemote est un Saxon parol sig-
nifiant un Convention ou
Assembly: Et est use en les
Leys Edward le Confessor, cap.
35. pur un Court, viz.
Omnis homo pacem habeat
eundo ad Gemotum & rediens
de Gemoto nisi probatus fur
fuerit.

Gemote.

Gemote is a Saxon Word sig-
nifying a Convention or As-
sembly: And is used in the Laws
of Edward the Confessor, cap. 35.
for a Court, viz. Omnis homo pa-
cem habeat eundo ad Gemotum &
rediens de Gemoto, nisi probatus
fur fuerit.

General Issue.

General Issue, Veies Issue.

Gersuma.

Gersuma est un obsolete pa-
rol, pur un fine ou Sum
de argent; il est sovent trove
en veil Records. Veies Sir Hen.
Spelman's Glossarium.

General Issue.

General Issue, See Issue.

Gersuma.

Gersuma is an obsolete Word, for
a fine or Sum of Money; it is
often found in ancient Records.
See Sir Hen. Spelman's Glossary.

Gild.

Gild, alias Geld, has divers significations: As sometimes a Tribute; other times an Amerciament; thirdly, a Fraternity or Company combined together by Orders and Laws made amongst themselves with the King's Licence. Cambden cites many Antiquities, whereby it appears to signifie a Tribute or Tax; as pag. 135, 139, 159, 168, 178. Crompton, in his Jurisdictions, fol. 191. shews it to be an Amerciament, as Footgeld; yet fol. 191. he says, to be quit of all Manner of Gelds, is to be discharged of all Manner of Prestations to be made for Gathering of Sheaves of Corn, young Lambs, and Wool, to the use of the Foresters.

Also Cambden, pag. 149. dividing Suffolk into three Parts, calls the first Gildable, because Tribute is thence gathered. And the Statutes Anno 27 Edw. 3. Stat. 2. cap. 13. and Anno 11 H. 7. cap. 9. use Gildable in the same Sense; and so the Statute Anno 27 H. 8. cap. 26. Hence Lambard in the *Mord Contubernalis* is perswaded that the Common *Mord Gild* or Gild-hall proceeds, being a Fraternity or Communality of Men gathered in one Combination, supporting their common Charge by a mutual Contribution. And in the Reg. Orig. fol. 219. b. there is *Gildam Mercatoriam*, which seems to be a certain Liberty or Privilege appertaining to Merchants, whereby they are enabled to hold certain Pleas of Land within their own Precincts. This word Gilds or Guilds is so used Anno 27 E. 3. cap. 51. and Anno 15 R.

Gild.

Gild, alia Geld, ad divers significations: come ascun foits un Tribute; auter foits un Amerciament; tiercement, un Fraternitie ou Companie combine ensemble per Orders & Leys fait int' eux mesmes ove le congee le Roy. Cambden cita plusors Antiquities per que il appiert de signifier un Tribute ou Tax; come pag. 135, 139, 159, 168, 178. Crompton, en ses Jurisdictions, f. 191. monstre ceo destre un Amerciament, come Footgeld; uncore fol. 191. il dit, Destre quit de tous manners de Gelds est, destre discharge de tous manners de Prestations destre fait pur le prisure de Garbes de Corne, de juvene Barbits, & de Lane, al use del Forresters.

Auxy Cambden, pag. 149. dividand Suffolk en trois parts, appel le primer Gildable, pur ceo que Tribute est de ceo collect. Et les Statutes Anno 27 Edw. 3. Stat. 2. c. 13. & Anno 11 Hen. 7. cap. 9. usont Gildable en mesme le sens; & issint Stat. Anno 27 H. 8. cap. 26. De ceo Monsier Lambard verbo *Contubernalis* est perswade que l' common parol Gild ou Gild-hall proceda, esteant un Fraternitie ou Communaltie de homes aggregated en un Combination, supportant leur common charge per un mutual Contribution. Et en le Reg. Orig. f. 229. b. la est *Gildam Mercatoriam*, que semble destre un certaine Libertie ou privilege appertinent al Merchants, per que ils sont enable de tener certain Plees de Terre deins leur Precincts

cinqs demefne. Cest parol *Gilds* ou *Gilds* est issint use Anno 27 E. 3. c. 51. & An. 15 R. 2. c. 5. Et *Guildhalda Teutonicorum* est use pur le Fraternite de *Easterling Merchants* en *Londres* appel le *Still-yard*, Anno 22 H. 8. c. 8. Veies *Coke*, l. 8. f. 125.

Gisarms.

Gisarms fuit un certaine *Weapon*, mention 13 E. 1. Stat. 3. c. 6. *Fleta* escrie le mesme *gisarms* l. 1. c. 24.

Glebe.

Glebe, sont les terres de queux un *Rector* ou *Vicar* est seise in *Jure Ecclesiæ*.

Bon abearing.

BON abearing, *Bonus gestus*, signifie le exact demeaning ou Comportment de un Subject al un Roy & son *Liege People*, al que homes ascuns foits pour lour loose deportment sont lies. Et il que est lie al ceo est pluis strictment lie que al *Paix*, car le *Paix* ne est enfreint sans un actual *Affray*, *Battery*, &c. mes ceo poet estre forfeit per le nombre de son *Company*, ou son *Arms*. *Crompt. Just.* 119, 120, &c.

Gors.

GORS (*Gurges*) est un *Estage* ou *Gulfe* d'eau pur le preserver des pissons, per le grant de que le *Soil* mesme passera; & un *Præcipe quod reddat* gift de ceo, come est a veier en 4 E. 3. 29. b. & 8 E. 3. 13. a. & *F. N. B.* 191. H.

2. c. 5. And *Guildhalda Teutonicorum* is used for the Fraternity of *Easterling Merchants* in *London* called the *Still-yard*, Anno 22 H. 8. cap. 8. See *Coke*, l. 8. f. 125.

Gisarms.

Gisarms was a certain *Weapon*, mentioned 13 E. 1. Stat. 3. c. 6. *Fleta* writes it *Sisarms*, l. 1. cap. 24.

Glebe.

Glebe, are *Lands* of which the *Rector* or *Vicar* are seised in *Jure Ecclesiæ*.

Good abearing.

GOOD abearing, *Bonus gestus*, signifies, the exact *Carriage* or *Behaviour* of a Subject to a King and his *Liege People*, to which Men sometimes for their loose *Demeanor* are bound: And he that is bound to this is more strictly bound than to the *Peace*, for the *Peace* is not broken without an actual *Affray*, *Battery*, &c. but this may be forfeited by the Number of a Mans *Company*, or his *Weapons*. *Crompt. Just.* 119, 120, &c.

Gors.

GORS (*Gurges*) is a *Pool* or *Pit* of *Water* to keep *Fish* in, by the Grant whereof the *Soil* it self passes; and a *Præcipe quod reddat* lies of it, as you may see in 4 Ed. 3. 29. b. and 8 E. 3. 13. a. and *F. N. B.* 191. H.

Granage.

Granage.

Granage, is a Duty in London, viz. the twentieth Part of Salt imported by an Alien, and due to the Mayor. Dyer 352.

Grand Cape.

Grand Cape. Look for it after in the Title Petit Cape.

Grand Days.

Grand Days are those which are solemnly kept in every Term in the Inns of Court and Chancery, viz. In Easter Term, Ascension Day; in Trin. Term, St. John Baptist, in Michaelmas Term, All Saints; in Hillary Term, the Feast of the Purification of the B. Virgin. And these are no Days in Court.

Grand Distress.

Grand Distress. See of that before in the Title Distress.

Grand Serjeanty.

Grand Serjeanty is, where a Man holds of the King certain Land by the Service of carrying his Banner or Lance, or to lead his Host, or to be his Carver or Butler at his Coronation, or the like; and that is the most honourable Service that a Tenant may do, and for that it is called Grand Serjeanty. But Petit Serjeanty is, when one holds of the King, paying him yearly a Bow, a Sword, a Spear, or such like; and that is but Socage in Effect: But a Man cannot hold in Grand Serjeanty or Petit Serjeanty but of the King. Also if a Tenant by Grand Serjeanty dies, his Heir, being of full Age, shall pay to the King for Relief the Value of the Lands, besides the Charges that he pays to

Granage.

Granage, Duty en Londres, viz. le 20th. part de Salt import per un Alien, due al Mayor. Dyer, 352.

Grand Cape.

Grand Cape. Veies de ceo apres en le Title Petit Cape.

Grand Days.

Grand Days sont ceux que sont solemnement observe en chescun Term en les Inns de Court & Chancery, viz. In Term. Pasch dies Ascens. in Term. Trin. dies S. J. Bapt. in Term. Mich. dies Omn. Sanct. in Term. Hil. dies Purif. B. Virg. Et ceux ne sont dies Juridici.

Grand Distress.

Grand Distress. Veies de ceo devant en le Title Distress.

Grand Serjeanty.

Grand Serjeanty est, lou un home tient del Roy certaine Terres per le Service de porter son Banner ou Lance, ou amesner son hoste, ou destre son Carver ou Butler a son Coronement, & tiels semblables; & ceo est la plus digne Service que le Tenant poit faire, & pur ceo est appel Grand Serjeanty. Mes petit Serjeanty est, quant un tient de Roy, rendant a luy annualment un Arc, un Coteau, un Lance, ou tiel semblable; & ceo n'est forsque Socage en effect: Mes home ne poit tener en Grand Serjeanty ne per Petit Serjeanty si non de Roy. Auxy si Tenant per Grand Serjeanty morust, son Heir, estant de plein age, payera al Roy pur Relief le value des Terres, oust les

les charges que il pay al Roy pur Grand Serjeanty: mes cestuy que tient per Escuage payera pur son Relief forsque C. s.

Ceux que sont en les Marches de *Scotland*, que tienont del Roy per *Cornage*, ceo est, pur ventiler un Cornu quant les Scots entrent *Angleterre*, sont Tenants per *Grand Serjeanty*.

Aux' ou un home tient del Roy pur trover un home en sa Guerre deins le Realm, c'est dit *Grand Serjeanty*, pur ceo que il est fait per Corps d'un home: Et si le Tenant ne poit trover home de faire ceo, il est tenu de faire ceo luy mesme.

Mes veies le Stat. 12 Car. 2. c. 24. per quel tous les Tenures sont ore turne en frank & common *Socage*.

Grange.

GRANGE est un Huys ou Ferm non seulement pur le reposer de Frument ou ascun autre sort de Grain, mes auxi Edifices pur Garons, Porcs, Boeufs, &c. & per le Grant de un Grange tiels lieux passeront.

Grant.

GRANT signifie un done en escript de tiel chose que ne poit aptement estre pais ou convey per parol seulement, come Rent, Reversions, Advowsons en gros, Commons in gros, Disms, &c. Ou fait per tiels persons que ne poent doner mes per fait, come le Roy & tous Corps Politicks; & celuy que grant est nosme le Grantor, & celuy a que le Grant est fait est nosme le Grantee. Un chose est dit de giser en grant que ne poest estre assign sans fait. Co. 3. Rep. 63.

the King by Grand Serjeanty: but he that holds by Escuage shall pay for his Relief but C. s.

Those that are in the Marches of Scotland, who hold of the King by Cornage, that is, to blow an Horn when the Scots enter England, are Tenants in Grand Serjeanty.

Also where a Man holds of the King to find a Man in his Wars within the Realm, that is called Grand Serjeanty, because it is done by a Man's Body: And if the Tenant cannot find a Man to do it, he is bound to do it himself.

But see the Stat. 12 Car. 2. c. 24. whereby all Tenures are now turned into Free and Common Socage.

Grange.

GRANGE is a House or Farm not only for the laying up of Wheat, or any other Sort of Grain, but also any Houses for Horses, Swine, Beefs, &c. and by the Grant of a Grange, such Places shall pass.

Grant.

GRANT signifies a Gift in writing of such a Thing which cannot properly be passed or conveyed by Word only, as Rent, Reversions, Advowsons in Gros, Tithes, &c. Or made by such Persons as cannot give but by Deed, as the King and all Bodies Politick; And he who grants is called the Grantor, and he to whom the Grant is made is called the Grantee. A Thing is said to lie in Grant which cannot be assigned without Deed. Co. 3 Rep. 63.

Gree.

GREE comes of the French Word (*Gre*) Good Liking; and it signifies in our Law, Contentment or Satisfaction; as in the Statute of 1 R. 2. c. 15. to make Gree to the Parties is to give them Contentment or Satisfaction for an Offence done unto them.

Green hew.

Green hew is all one with Vert, as appears by Manwood in his *Forest-Laws*, cap. 6. sect. 5. And for it see Vert.

Green Wax.

Green Wax is a Word used in the Statutes of 42 E. 3. c. 9. and 7 H. 4. c. 3. and signifies the *Estreats* of *Issues*, *Fines* and *Amerciaments* in the *Exchequer*, and delivered out to the *Sheriffs* under the Seal of the Court, to be levied by them in their several Counties.

Greve.

Greve, *Præpositus*, is a Word of Authority, and signifies as much as Comes or Vicecomes; Mr. Lambard makes it all one with Reve; whence our *Portgreve*, *Shyreve*.

Grithbreach.

Grithbreach, that is, the King's Peace broken; because Grith in English is Pax in Latine.

Gross Bois.

Gross Bois is such Wood which properly in some Places either by Custom or the Common Law signifies Timber. Co. 2. Inst. 642.

Gree.

GREE venust del *Francois* (*Gre*) Beneplacitum; & signifie en nostre Ley Contentment ou Satisfaction; come en le Statute 1 R. 2. c. 15. de faire Gree as parties est a doner eux contentment ou Satisfaction pur un Offence al eux fait.

Green hew.

Green hew est tout un ove Vert, come appiert per Manwood en ses Leys del Forest, c. 6. sect. 5. Et pur cest veies Vert.

Green Wax.

Green Wax est un parol use en les Statutes de 42 E. 3. c. 9. & 7 H. 4. c. 3. & signifie les *Estreats* des *Issues*, *Fines* & *Amerciaments* en l' *Exchiquer*, & bailes hors as *Viscounts* south le Seale del Court, destre per eux levies en lour several Counties.

Greve.

Greve, *Præpositus*, est un parol de Authority, & signifie tant come Comes, ou Vicecomes; Mr. Lambard fait ceo tout un ove Reve; de ont vient *Portreve*, *Shyreve*.

Grithbreach.

Grithbreach, hoc est, Pax Domini Regis fracta; quia Grith Anglice, Pax Latine.

Gross Bois.

Gross Bois est tiel Bois que proprement en aucun lieux ou per Custom ou per le Common Ley signifie Timber. Co. 2. Inst. 642.

Gule de August.

Gule de August est le prime jour ou les Calends del August, que en le temps E. 1. & E. 3. fuit usualment appel le Gule de August, come appiert per F. N. B. f. 62. I. & Plowden's Com. f. 316. b. Est le verie jour S. Petri ad vincula; & le reason pur que est appel le Gule de August est conceive sur un Historie recorde per Durandus en son *Rationale Divinorum*, l. 7. c. 19. de un Miracle effect per le Chaine de S. Peter sur le file de un Quirine un Tribune del Rome, que per le baifer del dit Chaine fuit cure des Escrovel en sa Gule (gula) Et veies Hospin. de origine festorum, f. 85. b.

Gultwit.

Gultwit est un amends pur Trespasse, solonque Saxton en son *Description del Angleterre*, c. 11.

Gule of August.

Gule of August is the first Day of the Calends of August, which in the Time of E. 1. and E. 3. was called ordinarily the Gule of August, as appears by F. N. B. f. 62. I. and Plowden's Com. f. 316. b. It is the very Day of S. Peter ad vincula; and the Reason why it was called the Gule of August, is conceived upon a Story recorded by Durandus in his *Rationale Divinorum*, l. 7. c. 19. of a Miracle wrought by S. Peter's Chain upon the Daughter of one Quirinus a Tribune of Rome, who by the kissing of that Chain was healed of the King's Evil in her Throat (gula.) And see Hospinian. de origine festorum, f. 85. b.

Gultwit.

Gultwit is an Amends for Trespass, according to Saxton in his *Description of England*, c. 11.

H.

Habeas Corpus.

Habeas Corpus est un Brief le quel home endite de ascun Trespasse devant Justices del Peace, ou en un Court de ascun Franchise, & sur son Prisure esteant gift en Prison pur mesme, poit aver hors del Banke le Roy, per ceo de amesner luy mesme la a ses costs demesne, & de respond le Cause icy. F. N. B.

H.

Habeas Corpus.

Habeas Corpus is a Writ which a Man indicted of any Trespass before Justices of the Peace, or in a Court of any Franchise, and upon his Apprehension being laid in Prison for the same, may have out of the King's Bench, thereby to remove himself hither at his own Costs, and to answer the Cause there. F. N. B. f. 250. b. And

And the Order in this Case is, first to procure a Certiorari out of the Chancery, directed to the said Justices, for the removing of the Indictment into the King's Bench; and upon that to procure this Writ to the Sheriff, to cause his Body to be brought at a Day, Reg. Judic. f. 81. where you may find many Cases wherein this Writ shall be used.

Habeas Corpora.

HAbeas Corpora is a Writ which lies against a Jury, or any of them that refuse to come upon the Venire facias, for the Trial of a Cause brought to Issue.

Habendum.

Habendum is a Word of Form in a Conveyance, to the true Understanding whereof it is to be observed, That in every Deed of Conveyance there are two principal Parts, the Premises, and the Habendum.

The Office of the Premises is to express the Name of the Grantor, the Grantee, and the Thing to be granted. The Office of the Habendum is to limit the Estate, so that the general Implication of the Estate, which by Construction of Law passes in the Premises, is by the Habendum controlled and qualified: As in a Lease to two Men, Habendum to the one for Life, the Remainder to the other for Life, alters the general Implication of the Joynt-Tenancy in the Freehold, which passes by the Premises, if the Habendum were omitted. See Coke, l. 2. c. 55.

f. 250. h. Le order en ceo case est, primerment de procurer un Certiorari hors del Chancerie, direct al dits Justices, pur le remover del Endictment en le Banke le Roy; & sur ceo de procurer cest Brief al Viscount, de causer son Corps destre amesne al un jour, Reg. Judic. f. 18. ou vous poies trover plusors cases en queux cest Brief serra use.

Habeas Corpora.

HAbeas Corpora est un Brief que gist contre un Jurie ou aucun de eux que refusont de vener sur le Venire facias, pur le Trial de un Meistre port al issue.

Habendum.

Habendum est un parol de forme en un Conveyance, al voyer Intelligence de que est destre observe, que en chescun Fait de Conveyance la sont deux principal parts, le Premises & le Habendum.

Le Office des Premises est de expresser le nomme del Grantor, le Grantee, & le Chose destre graunte. Le Office del Habendum est, de limiter le Estate, issint que le general Implication del Estate, que per construction del Ley passa en les Premises, est per le Habendum controle & qualifie: Sicome en un Lease a deux homes, Habendum a le un pur vie, le Remainder al autre pur vie, alter le general Implication del Joynt-tenancie en le Frank-tenement, que passera per les Premises, si le Habendum ad este omis. Veies Co. l. 2. f. 55.

Habere facias Seisinam.

HABERE facias Seisinam est un Brief Judicial que gist lou un ad recover certain Terres en Court le Roy ; donques il avera cest Brief direct al Viscount, luy commandant de doner a luy Seisin del Terre, & ne serra retournable.

Habere facias Visum.

HABERE facias Visum est un Brief que gist en plusieurs Cases, lou View est destre pris del Terres ou Tenements en question. Veies F. N. B. In Indice, verbo View ; & Braët. l. 5. tra. 3. c. 8.

Haiebote.

HAIEBOTE vient del Francois parol Haye, sapes, & del Saxon parol Bote, Compensatio, & est use pur un permission de prender Thorns ou Freeth de faire ou repayer Hedges. Veies Heybore.

Half-bloud.

HALF bloud. Veies Demyfank.

Demy Seal

DEMY Seal est un Seal use en le Chancerie pur le sealer des Commissions as Delegates sur un Appeal en un Cause civil ou marine, come appiert per le Stat. fait en 8 Eliz. c. 5.

Halymote.

HALYMOTE est un Court-Baron, come appiert per Manwood, en ses Forrest-Lays, c. 23. f. 217. a. Et est appel Halymote, cestascavoir, le Concourse des Tenants de un Hall, ou Manor.

Habere facias Seisinam.

HABERE facias Seisinam is a Writ Judicial, that lies where one hath recovered certain Lands in the King's Court ; then he shall have this Writ directed to the Sheriff, commanding him to give him Seisin of that Land, and it shall not be retournable.

Habere facias Visum.

HABERE facias Visum is a Writ that lies in divers Cases, where View is to be taken of the Lands or Tenements in Question. See F. N. B. In Indice, verbo View ; & Braët. l. 5. traët. 3. c. 8.

Haiebore.

HAIEBOTE cometh from the French Word Haye, sapes, and the Saxon Word Bote, Compensatio, and is taken for a Permission to take Thorns or Freeth to make or repair Hedges. See Heybore.

Half blood.

HALF-blood. See Demyfank.

Half Seal.

HALF Seal is a Seal used in Chancery for the Sealing of Commissions to Delegates upon an Appeal in a Cause civil or marine, as it appears by the Statute made in 8 Eliz. c. 5.

Halymote.

HALYMOTE is a Court-Baron, as appears by Manwood in his Forest-Laws, c. 23. f. 217. a. And it is called Halymote, that is, the Meeting of the Tenants of one Hall or Manor.

Hamlet.

HAmlet, Hamel oꝝ Hampfel, are Diminutives of Ham, which signifies a Habitation.

Hambling, or Hoxing of Dogs.

HAmbling, oꝝ Hoxing, oꝝ Hock-sinewing of Dogs, are old Forrest-Terms for the Lawing of Dogs, when the Custom was (as appears in Manwood's Forest-Laws, c. 16. sect. 12.) to cut oꝝ gash Dogs in the Hams; but now they use to do it in their feet. Of which see Expeditate.

Hand-gun.

HAnd-gun is an Engine which is prohibited to be used and carried about by the Statute of 33 H. 8. c. 6. And though a Dag was invented of late Time, and after the Making of the said Act, and is not known by the Name of Hand-gun, but by a special Name; yet the Carrying of a Dag is within the said Act, and comprehended within the Word Hand-gun. So whereas Cross-bows are forbidden by the said Act, thereby Stone-bows are also forbidden. See Coke, 1. 5. f. 71, 72.

Hangwit.

HAngwit is to be quit of a Thief oꝝ Felon hanged without Judgment, oꝝ escaped out of your Custody.

Hanper.

HAnper of the Chancery, Anno 10 R. 2. c. 1. seems to signifie as Fiscus originally does in Latin.

Hamlet.

HAmlet, Hamel ou Hampfel, sont Diminutives del Ham, que signifie un Habitation.

Hambling, ou Hoxing des Chiens.

HAmbling, ou Hoxing, ou Hock-sinewing des Chiens, sont antient termes del Forrest pur le Lawing des Chiens, quand le custome fuit, (come appiert per Man. Fo. Leys, c. 16. sect. 12.) de couper ou berluffer Chiens en lou Jareds; mes ore est use destre fait en lour Pieds. De que veies Expeditate.

Hand-gun.

HAnd-gun est un Engine que est prohibite destre use & emport per le Statute de 33 H. 8. c. 6. Et coment que un Dagge fuit invent de tardife temps, & puis le fesans del dit Act, & nest conuist per le nosme de Hand-gun, mes per un especial nosme; uncore le carrying de un Dagge est deins le dit Act, & comprehend deins le parol Hand-gun. Ilint ou Crosse-bowes sont prohibite per le dit Act, per ceo Stone-bowes sont auxy prohibite. Veies Coke, 5. f. 71, 72.

Hangwit.

HAngwit est, quietum esse de Latrone suspenso sine Iudicio, vel extra Custodiam vestram evaso.

Hanper.

HAnper del Chancerie, Anno 10 R. 2. c. 1. semble de signifier come Fiscus originalment en Latine.

Haque.

H*Aque* est un petit Hand-gun al longueur des trois quartiers de un verge, & est mention en le Stat. de 33 H. 8. c. 6. & 2 & 3 E. 6. c. 14. La est auxy parle de un demy *Haque*.

Haquebut.

H*aquebut* est un Gunne mention en le Statute de 2 & 3 E. 6. c. 14. & est tout un ove un *Arquebuse*.

Hariot.

H*ariot* est en deux sorts ; le un *Hariot* Custome, le autre *Hariot* Service.

Hariot Service est mult foits expresse en le Grant de un home ou en son Fait, que il tient per tiel Service pur payer *Hariot* al temps de son mort. Et cest *Hariot* est payable apres le mort del Tenant en Fee-simple.

Hariot Custome est, lou *Hariots* ont este payes temps hors de memory per Custome. Et ceo poit este apres le mort del Tenant pur vie, &c. Mes a parler de ceo generalment.

Hariot est le melieur Beast (soit il Chival, Boefe, ou Vache) que le Tenant ad al temps de son mort. Et un Distress poit estre seisie ou pris pur ceo, soit il *Hariot Service*, ou *Hariot Custome*, al use del Seignior de que le Tenant tient, per son Bailiff ou auters Officers. Mes de droit le Seignior ne son Officer ne prender *Hariot*, devant que il soit present al prochain Court tenus apres le Tenant est mort que tiel Beast est due pur son *Hariot*.

Haque.

H*Aque* is a little Hand-gun of three Quarters of a Yard long, and it is mentioned in the Statutes of 33 H. 8. c. 6. and 2 & 3 E. 6. c. 14. There is also mention made of an half *Haque*.

Haquebut.

H*Aquebut* is a Gun mentioned in the Statute of 2 & 3 E. 6. c. 14. and it is all one with an *Harquebuz*.

Hariot, or Heriot.

H*ariot* is of two Sorts ; *Hariot* Custom, and *Hariot* Service.

Hariot Service is often expressed in a Man's Grant or Deed, that he holds by such Service to pay *Hariot* at the Time of his Death. And this *Hariot* is payable after the Death of the Tenant in Fee-simple.

Hariot Custom is, where *Hariots* have been paid Time out of Mind by Custom. And this may be after the Death of the Tenant in Fee-simple. But to speak thereof generally :

Hariot is the best Beast (whether it be Horse, Ox, or Cow) that the Tenant had at the Time of his Death. And a Distress may be either seised or taken for it, whether it be *Hariot Service*, or *Hariot Custom*, to the Lord's Use of whom the Tenant held, by his Bailiff or other Officers. But of Right neither the Lord nor his Officer should take *Hariot*, before it be presented at the next Court holden after the Tenant is dead, that such a Beast is due for his *Hariot*.

Haward.

HAward, or Hayward, is an Officer appointed in every Town to be the Common Herd of the Town; and he is so called, either for that it is one Part of his Office to keep the Hedges of inclosed Grounds, so that they be not cropped or broken down; or because he keeps the Grass from Hurt and Destruction of Cattle, so that Hay may be made thereof. He is an Officer sworn in the Lord's Court: For which Oath, see Kitch. fol. 46.

Hawkers.

Hawkers is a Word used in the Statutes 25 H. 8. cap. 9. and 33 Hen. 8. cap. 4. for Tinkers that go from Place to Place through the Country, and by Colour of the King's Letters Patents or Placards buy and sell Brass and Pewter, and cozen the King's People both in the Weight and in the Stuff.

Hey-bote, or Hedge-bote.

Hey-bote, or Hedge-bote, is necessary Stuff to make and mend Hedges, which the Lessee for Years or for Life of common Right may take upon the Ground to him leased, although it be not expressed in his Lease, and although it be a Lease by Word, without Writing.

Heybote also may be taken for necessary Stuff to make Rakes, Forks, and such like Instruments, wherewith Men use in Summer to tedd and make Hay. And so Lessee for Years took it, and it was allowed him by his Lessee, the rather, as I suppose,

Hayward.

HAward, ou Hayward, est un Officer designe en chescun Ville destre le common Herd del Ville; & il est issint appel, ou pur ceo que un part de son Office est pur garder les Hayes de terres enclose, issint que ils ne soient croppes ne enfringe; ou pur ceo que il garde le Grass del parde & destruction des Avers, issint que Hay poit estre fait de ceo. Il est un Officer jurus en le Court del Seignior: Pur quel Serement, veies Kitch. fol. 46.

Haukers.

Haukers est un terme use en les Statutes de 25 H. 8. c. 9. & 33 H. 8. cap. 4. pur Tinkers queux alont de lieu en lieu per le pais, & per color des Letters Patents le Roy ou Plachards achatont & vendont Airain & Pewter, & deceive les lieges le Roy & en le poise & en le substance.

Heybote, ou Hedgebote.

Heybote, ou Hedgebote, est necessarie Stuff pur faire & amend Haies, que Lessee purans ou pur vie de common droit poit prendre sur le Terre a luy lesse, nient obstant il ne soit expresse en son Lease, & nient obstant que il soit un Lease per Parol, sans Escrip.

Heybote auxy poit estre prise pur necessarie stuff pur faire Rakes, Forks, & tiels semblable instruments, ove queux homes usont en Sommer pur tedder & faire Feine. Et issint un Lessee pur ans prist ceo, & fust luy allow per son Lessor,

Lessor, puis tost, come jeo suppose, pur ceo que tiels Instruments sont faits de flend' Subbois, que per le Common Ley, le Lessee pur ans poit succider & prender, come est avandit.

Head-borow.

Head-borow est compound des deux parols. *Heofed*, id est. *Caput*, & *Borhe*, id est, *Pignus*. Ilint que *Head borow*, signifie le chief des Frankpledges en un Decenarie deins un Leet, ou celuy que avoit le governance des eux que sont deins son Pledge demesne; & il fuit appel *Head-borough*, ou *Borow-head*, ou *Borough-holder*, ou *Third borow*, ou *Tithing-man*, ou *Chief pledge*, ou *Borow-Elder*, solonque le diversitie des dialects des divers lieux. Et a ceo jour est ore appel un *Constable*.

Head-silver.

Head silver. Veies Com. Fine.

Heireloome.

Heireloome est ascun parcel des Utenils d'un mease, que, per le custome del asc' Pais, esteant appertinanz al un Mease pur certaine discents, ala ove le Mease (apres le mort del owner) al Heire, & nemy as Executors.

Herbage.

Herbage est le Fruit del terre provise per nature pur le bit ou bouch del Cattel: Mes il est communment use pur un Liberty a pascer le Cattel d'un home en le fund del aut', come en le Forrest, &c. *Crom. Jurisd.* fol. 197.

for that such Instruments are commonly made of slender Under-Wood, which by the Common Law the Lessee for Years may cut and take as aforesaid.

Head-borow.

Head-borow is compounded of two Words, *Heofed*, id est, *Head*, and *Borhe*, id est, *Pledge*. So that *Head-borow* signifies the Chief of the free Pledges in a Decennary within a Leet, or he that had the Government of those that are within his own Pledge. And he was called *Head-borough*, or *Borow-head*, or *Borough-holder*, or *Third borough*, or *Tithing-man*, or *Chief-Pledge*, or *Borow-Elder*, according to the Diversity of Speech in divers Places; and to this Day he is now called a *Constable*.

Head-silver.

Head silver. See Common Fine.

Heirloom.

Heirloom, is any piece of Household-stuff, which, by the Custom of some Countries, having belonged to a House for certain Descents, goes with the House (after the Death of the Owner) unto the Heir, and not to the Executors.

Herbage.

Herbage is the Fruit of the Earth provided by Nature for the Bit or Mouth of the Cattel: But it is commonly used for a Liberty to feed one's Cattel in another Man's Ground, as in the Forrest, &c. *Cromp. Juris.* fol. 197.

Herbenger.

Herbenger, cometh from the French Word Herberger, i. e. Hospitio accipere, and signifies an Officer in the King's Court who appoints the Noblemen and those of the Family their Lodgings.

Hereditaments.

Hereditaments signify all such things whether corporeal or incorporeal which a Man may have to him and his Heirs by Way of Inheritance, and which if they be not otherwise bequeathed come to him which is next of Blood, and not to the Executors or Administrators as chattels do. It is a Word of a very large extent, for by this Seigniories, Lands, Rents, Advowsons, &c. and any other Things that are inheritable shall pass. Co. Lit. 6.

Heretico, or Hæretico comburendo.

Hæretico comburendo is a Writ that lies against him who is an Heretick, that is, who having been once convicted of Heresie by the Bishop, and having abjured it, afterwards falls into it again, or into some other, and is thereupon committed to the Secular Power.

And Brit. lib. 1. cap. 17. saith, That by the Common Law those Persons who feloniously burn the Corn or Houses of others, Sorcerers and Sorceresses, Sodomitical Persons and Hereticks, should be burnt and consumed.

This Writ is taken away by the Statute of K. C. 2.

Herbenger.

Herbenger vient del Francois parol Herberger, i. e. Hospitio accipere, & signifie un Officer en le Court le Roy pur allot al Noble-homes & ceux del Family leur apartments.

Hereditaments.

Hereditaments signifie tous ceux choses immoveable, soient ils corporeal ou incorporeal queux un home poet aver a luy & son Heires per voy de Inheritance, & queux si ne sont autrement bequest veignant a celuy que est prochain de sang & nemy al Executors ou Administrators come Chattels. Est parol de plus large extent, car par ceo Seigniories, Terres, Rents, Advowsons, &c. & quelcunque choses que poent estre inherit, passera. Co. Lit. 6.

Heretico, ou Hæretico comburendo.

Hæretico comburendo est un Brief que gist vers luy que est un Heretique, ceo est, que ayant este un foits convince de Heresie per l'Evesque, & ayant ceo abjure, puis en ceo relapse arere, ou en ascun autre, & est sur ceo commise al Lay poyar.

Et Brit. lib. 1. cap. 17. dit, Que per le Common Ley ceux persons queux feloniouslyment arseront auters Bles ou auters Measons, Sorciers & Sorcieresses, Sodomites, & Hereticks, seront combures & arses.

Cest Brief est toll per Stat. Car. 2.

Hermitage, & Hermite.

Hermite est un Religious home que devoute luy mesme a vivre solitary en ascun private lieu en un Esglice ou Monastery, &c. & son lieu est appel Hermitage. Et de ceo Prohibition gist. *Nat. Br. 34. G.*

Hermitage and Hermite.

Hermite is a Religious Man, who debotes himself to live solitary in any private Place, Church, or Monastery, &c. And his Place is called an Hermitage. And of it a Prohibition lies. *Nat. Br. 34. G.*

Hidage.

Hidage est quietum esse, si Dominus Rex talliaverit totam Terram per Hidas.

Nota que un Hide de Terre est un entire Plough-land. Et cest kind de Taxing per Hides fuit mult use en veile temps, cybien pur provision de Armour, come payments de Argent; & cest principalment en les jours del Roy *Etheldred*, que en l'ande Christ 1006. quant les Danes pristera terre al *Sandwich* en Kent, tax tout son Terre per Hides en cest manner; Que chesc' 310 Hides de Terre doivent trover un Nief furnish, & chesc' 8 Hides doivent trover un Jacke & un Saller, pur le defence del Realm.

Hide & Gayne.

HIDE & Gayne en ancient temps signifie arable Terre. *Vet. Nat. Brew. 71. & Co. Lit. 85. b.* Car en veil temps a Gayner Terre fuit tant come le culture ou le manuring de ceo.

Hoblers.

Hoblers sont mention en le Statute de 25 E. 3. *Stat. 5. c. 8.* estre tiels queux per leur Tenure sont lies de maintenir un petit Chival, pur doner notice del asc' Invasion ou apt'

Hidage.

Hidage is to be quit, if the King shall tax all the Land by Hides.

Note, that a Hide of Land is a whole Plough-Land. And this kind of Taxing by Hides was much used in old Time, as well for Provision of Armour, as Payments of Money; and that chiefly in King *Etheldred's* Days, who in the Year of Christ, 1006. when the Danes landed at *Sandwich* in Kent, taxed all his Land by Hides thus: That every 310 Hides of Land should find one Ship furnished, and every eight Hides should find one Jack and one Saddle, for the Defence of the Realm.

Hide and Gayne.

HIDE and Gayne did anciently signifie arable Land. *Old Nat. Brev. 71. & Co. Lit. 85. b.* For of Old to Gain Land was as much as to till and manure it,

Hoblers.

Hoblers are mentioned in the Statute of 25 E. 3. *Stat. 5. cap. 8.* to be such Men as by their Tenure are bound to keep a little Hag, to give notice of any Invasion, or other Danger that happens

happens near the Sea-side where they dwell.

Hoghenhine.

HOghenhine, is he who comes Guest-wise to a House, and there lies the third Night, after which Time he is accounted one of his Family in whose House he lies; and if he offend the King's Peace, his Host must be answerable for him. *Bract. lib. 3. tract. 2. cap. 10.* In the Laws of King Edward, set forth by Lambard, he is called Agenhine, where you may read more of this matter.

Homage.

HOmage in our Books is two-fold. viz. *Homagium ligeum*, and that is as much as Ligeance, of which Bracton speaks, lib. 3. cap. 35. fol. 79. *Soli Regi debetur sine Dominio seu Servizio.* And the other is *Homagium feudale*, which hath his Original by Tenure. In *Fitzh. N. B.* fol. 269. there is a Writ for respiting this latter Homage, which is due by Reason of the Fee or Tenure. But *Homagium ligeum* is inherent and inseparable, and cannot be respited.

Homage, by Reason of Fee or Tenure is defined to be a Service which shall be made in this Manner: The Tenant in Fee or Fee-tail that holds by Homage, shall kneel upon both his knees ungirded, and the Lord shall sit, and hold the Hands of his Tenant between his Hands, and the Tenant shall say, I become your Man from this Day forward of Life and member, of earthly Honour, and to you shall be faithful and true, and shall bear to you

peril que happa prochein al Mere lou ils demurront.

Hoghenhine.

HOghenhine est celuy que vient a un meason en le guise dun Guest, & la repose l'tierce nuit, puis quel temps il est accompt un de son Famille en que meason il repose; & sil offend le Peace l' Roy, son Host covient de responder pur luy. *Bract. lib. 3. tract. 2. cap. 10.* En l'Leys de Roy Edward, edite per Monsieur Lambard, il est appell' Agenhine, ou vous poyes lier plus de cest meistre.

Homage.

HOmage en nostre Livres est deux-fold, cest adire, *Homagium ligeum*, & cest est tant come ligeance, de que Bract. parle, l. 3. c. 25. f. 79. *Soli Regi debetur sine Dominio seu Servizio.* Et l'auter est *Homagium Feudale*, que ad son original per Tenure. En *Fitz Nat. Brev. f. 269.* la est un Brief pur respectuer de cest darreine Homage, que est due per reason del Feud ou Tenure. Mes *Homagium ligeum* est inherent & inseparable, & ne poit estre respectus.

Homagium ratione Feodi sive Tenure est define destre un Service que serra fait en tiel maner: Le Tenant en fee ou fee-tail que tient per Homage, genulera sur ambideux genus discincte, & le Seignieur serra seate, & tiendra les maines son Tenant enter ses maines, & el Tenant dira, *Jeo deviseigne vostre home de cest jour en avant de vie & de member, & de terrene honour, & a vous serra foyall & loyall, & foy vous portera des*

Terres que jeo clame de ten' de vous, salue le foy que jeo doy a vostre Seignior le Roy: & donques le Seignior issint seant luy basera.

Comment Fealsie ferra fait, veies devant en Fealsie.

Le Seneschal le Seignior poit prender Fealty, mes nemy Homage. Veies le Stat. 12 Car. 2. cap. 24.

Homage auncestrel.

HOMAGE auncestrel est, lou un home & ses Ancestors de temps dont memorie ne courge, ont tenus le Terres del Seignior per Homage. Et si tiel Seignior ad receive Homage, il est ten' de acquiter le Tenant vers tous auter Seigniors paramount luy de chescun manner de Service. Et si l'Tenant ad fait Homage a son Seignior, & soit implead, & vouche le Seignior a Garantie, le Seignior est tenu de luy garrant: & si le Tenant perde, il recouvrera en value vers son Seignior tant des Terres que il avoit al temps de la Voucher, ou unques puis. Auxy si home que tient son Terre per Homage auncestrel alien l'Terre en fee, donques l'Alienee ferra Homage a son Seignior; mes il ne tiendra per Homage auncestrel, pur ceo que le continuance del Tenancie en le sanke del primer Tenant est discontinue.

Homagio respectuando.

HOMAGIO respectuando est un Brief direct al Escheatour, luy mandant pur deliver Seisin al Heire de ses Terres a son plein age, coment que son Homage ne soit fait. De que veies Fitzh. N. B. fol. 269. A.

Faith for the Lands that I claim to hold of you, saving that Faith I owe to our Lord the King: And then the Lord so sitting shall kiss him.

How Fealty shall be done, look before in Fealty.

The Steward of the Lord may take Fealty, but not Homage. See the Statute 12 Car. 2. cap. 24.

Homage auncestrel.

HOMAGE auncestrel is, where a Man and his Ancestors, Time out of Mind, held their Land of their Lord by Homage. And if such Lord hath received Homage, he is bound to acquit the Tenant against all other Lords above him of every manner of Service. And if the Tenant hath done Homage to his Lord, and is impleaded, and vouches the Lord to Warranty, the Lord is bound to warrant him: And if the Tenant lose, he shall recover in Value against the Lord so much of the Lands as he had at the Time of the Voucher, or at any Time after. Also if a Man that holds his Land by Homage auncestrel alien the Lands in fee, then the Alienee shall do Homage to his Lord; but he shall not hold by Homage auncestrel, for that the Continuance of the Tenancy in the Blood of the first Tenant is discontinued.

Homagio respectuando.

HOMAGIO respectuando is a Writ directed to the Escheator, commanding him to deliver Seisin to the Heir of his Lands at his full Age, although he hath not made his Homage. Of which see Fitzh. N. B. fol. 269. A.

Homosoken.

Homefoken.

HOmefoken, or Hamesfoken, is, to be quit of Amerciaments for Entering into Houses violently and without Licence, and contrary to the Peace of the King: And that you hold Plea of such Trespass done in your Court, and in your Land.

Homicide, or Manslaughter.

Homicide or Man-slaughter, is, the Killing of a Man feloniously, without malice forethought. It is also defined thus, Homicide is the Killing of a Man by a Man. But if it be done by a Dog, Ox, or other Thing, it is not properly called Homicide. It is called Homicidium, ab homine & cædo, quasi Hominis cædium.

Homine capto in Withernamium.

Homine capto in Withernamium, is a Writ to take him that hath taken any Bond-man or Woman, and led him or her out of the County, so that he or she cannot be replevied according to Law. Reg. Orig. fol. 79. a.

Homine replegiando.

Homine replegiando is a Writ to deliver Men out of Prison upon Bail. In what cases it lies, and in what not, see in Fitz. N. B. f. 66. E. and see here in the Title of Replevin in the End.

Homefoken.

HOmefoken, ou Hamesfoken, est quietum esse de Amerciamentis de Ingressu hospitiorum violenter & sine licentia, & contra pacem Domini Regis: Et quod teneatis Placita de hujusmodi Transgressionem facta in Curia vestra, & in Terris vestris.

Homicide, ou Manslaughter.

Homicide ou Man slaughter, est l'Occider de un home feloniousment, sans malice prepenſe. Il est auxy define illint, Homicidium est hominis occisio ab homine facta. Si autem a Cane, Bove aut alia re fiat, non dicitur proprie Homicidium. Dicitur Homicidium ab homine & cædo, quasi hominis cadium.

Homine capto in Withernamium.

Homine capto in Withernamium, est un Brief de prender luy que ad prise ascun Villaine ou Nief, & trahe luy ou el hors del Countie, illint que il ou el ne poit estre replevie accordant al Ley. Reg. Orig. f. 79. a.

Homine replegiando.

Homine replegiando est un Brief per le bailer des homes hors del prison. En queux cases gist, & en queux nemy, veies Fitz. N. B. f. 66. E. & veies hic Tit. Replevin, in fine.

Honour.

Honour, pret' le general signification, est use specialment pur le plus noble sort de Seigniorie, de que auter inferiour Seigniories ou Mannors dependant pur performance des Customs & Services, un ou auter, al ceux que sont Seigniors de ceux. Et semble que la sont nuls Honours forsque ceux que originalment apperteinont al Roy; uncore ils poient en apres estre done en fee al Nobleshomes. Le manner del Creation de ceux Honours poit en part estre collect hors des Statutes de *An. 31 Hen. 8. cap. 5.* Iou *Hampton Court* est fait un Honour; & *Anno 33. ejusd. cap. 37, & 38.* per que *Amptihl & Grafton* sont auxy faits Honours; & *An. 37 ejusd. cap. 18.* per que le Roy ad poyar done a luy per ses Letters Patents de erecte quater several Honours, *Westminster, Kingston sur Hull, S. Ofishes en Essex, & Dodington en Berkshire.*

Hornegeld.

Hornegeld est, quietum esse de quadam Consuetudine exacta per Tallagium per totam Terram de quacunque Bestia cornuta.

Hors de son Fee

Hors de son Fee est un exception pur avoider un Action pur Rent issuant hors del certain Terre, per luy que pretend de estre Seignior, ou pur quelque Customs ou Services; car si il poit justifie que le Terre est hors de son Fee, le Action morust. Broke, *hoc. Tit. 7, 8. & Institut. 1. b.*

Honour.

Honour, besides the general Signification, is used specially for the most Noble sort of Lordships, whereof other inferiour Lordships or Manors depend by performance of Customs and Services, some or other, to those that are Lords of them. And it seems there are no Honours but those which originally appertained to the King; yet they may afterward be given in Fee to Noblemen. The manner of Creating these Honours may in part be collected out of the Statutes of *Anno 31 Hen. 8. chapter 5.* where *Hampton-Court* is made an Honour; and *Anno 33 ejusd. cap. 37. & 38.* whereby *Amptihl and Grafton* are likewise made Honours; and *An. 37 ejusd. cap. 18.* where the King hath Power given him by his Letters Patents to erect four several Honours, *Westminster, Kingston upon Hull, S. Ofishes in Essex, and Dodington in Berkshire.*

Hornegeld.

Hornegeld is, to be quit of certain Custom exacted by Tallage through all the Land, of whatsoever horn'd Beasts.

Hors de son Fee.

Hors de son Fee, is an Exception to avoid an Action for Rent issuing out of certain Land, by him who pretends to be the Lord, or for some Customs or Services; for if he can justifie that the Land is without the Compass of his Fee, the Action falls. Broke *hoc. Tit. 7, 8. and Institut. 1. b.*

Hospitallers.

Hospitallers.

HOSPITALLERS (*Hospitularii*) an Order of Knights first founded at Jerusalem, and called the Joannites or Knights of St. John of Jerusalem; and they were called Hospitallers, for that they built an Hospital at Jerusalem for the Entertainment of all such as from any Part of the World came to visit the Holy Places, and did guard and protect such Pilgrims in their Journies. The Institution of their Order was first allowed by Pope Gelasius the second, about the Year 1118. And they had many Privileges granted them, as Immunities from Payment of Tithes, &c. And for these they are often mentioned in our Books. You shall find their Privileges reserved to them in Magna Charta, cap. 37. And you shall see the Right of the King's Subjects vindicated from the Usurpation of their Jurisdiction by the Statute of West. 2. cap. 34. Their chief Abode is now in the Island of Melita, commonly called Malta, given them by the Emperour Charles the fifth: And for that they are now called Knights of Malta. All the Lands and Goods of these Knights here in England were put in the Disposition of the King by the Statute of 32 H. 8. cap. 24.

Hostler.

HOSTLER is an Innholder. *Coke* Ent. 347.

Hotchpot.

HOTCHPOT is a Blending or Mixing together, and a Partition of Lands given in Frank-

Hospitallers.

HOSPITALLERS (*Hospitularii*) un Order des Chivalers primes foundue al Jerusalem, & appellees Joannites ou Chivalers de S John de Jerusalem; & fueront appellees Hospitallers, pur ceo que ils edifie un Hospital al Jerusalem pur le interteinment de ceux que veignent des tous parts del monde pur visiter les Sacred lieux, & ils guardont & defend tiels Pilgrims en leur Journies. Le Institution de cest Order fuit primes allow per Pape Gelasius 2. entour le an 1118. Et ils avoient mults Privileges grantus as eux, come immunities del payment des dismes, &c. Et pur ceux ils sont plusors foits mentions en nostre Livers. Troveres leur Privileges as eux reserves in *Mag. Char. c. 37*. Et poies veier le Droit des subjects le Roy vindicare del Usurpation de leur Jurisdiction per le Statute *Westm. 2. cap. 34*. Leur chief Residence est ore en le Isle de Melita, usualment appel Malta, done as eux per le Emperour Charles le cinquiesme: Et pur ceo sont appels ore Chivalers de Malta. Tous les Terres & Biens de ceux Chivalers icy en Angleterre fueront mises en le disposition le Roy, per le Stat. de 32 H. 8. cap. 24.

Hostler

HOSTLER est un Inholder. *Coke* Entr. 347.

Hotchpot.

HOTCHPOT est un Medling ou Mixing ensemble, & un partition de Terres done en Frank-

Frank-marriage, ovesque auters Terres en Fee-simple descendus. Pur exemple, Un home seisie de 30 acres de Terre en Fee ad issue deux Fils, & done ovesque un de ses Fils al un home que luy marrie, 10 acres de ceo en Frank-marriage, & morust seisie de les auters 20 acres. Ore si el que est issint marrie voil- loit aver ascun part de les 20 acres de que sa Pere morust seisie, el doit mitter ses Terres done en Frank marriage en *Hotchpot*, ceo est adire, el doit refuser de prendre les sole Profits del Terre dona en Frank-marriage, & suffer le Terre de estre commixt & mingle ensemble ovesque le auter Terre de que sa Pere morust seisie, issint que un equal Division poit estre fait de lentre perenter luy & sa Soer. Et issint pur sa x acres el avera xv, autrement sa Soer voit aver les xx acres de queux leur Pere morust seisie.

Housebote.

Housebote est necessarie Merisme que le Lessee pur ans ou pur vie, de common droit, poit prendre sur le Terre, a repaier les Measons sur mesme le Terre a luy lessa, nient obstant il ne soit expresse en le Lease, & nient obstant il soit un Lease per Parol, sans Fait. Mes si il prist plus que besoign, il poit estre punish per un Action de Waste.

Hue & Crie.

Hue & Crie est un Pursuit de un aiant commit Felonie per le Haut chemin : Car

Marriage, with other Lands in Fee-simple descended. For Example; A Man seised of thirty Acres of Land in Fee hath Issue two Daughters, and gives with one of his Daughters, to a Man that marries her, ten Acres of the same Land in Frank-marriage, and dies seised of the other twenty Acres. Now if she that is thus married will have any Part of the twenty Acres whereof her Father died seised, she must put her Lands given in Frank-marriage in *Hotchpot*, that is, she must refuse to take the sole Profits of the Land given in Frank-marriage, and suffer the Land to be commixt and mingled together with the other Land whereof her Father died seised, so that an equal Division may be made of the whole between her and her Sister. And thus for her x acres she shall have xv; else the Sister will have the xx Acres of which their Father died seised.

Housebote.

Housebote is necessary Timber that the Lessee for Years or for Life, of common Right, may take upon the Ground, to repair the Houses upon the same Ground to him leased, although it be not express in the Lease, and though it be a Lease by Word without Deed. But if he take more than is needful, he may be punished by an Action of Waste.

Hue and Cry.

Hue and Cry is a Pursuit of one having committed Felony by the High-way : For

if the Party robbed, or any in the Company of one that was murdered or robbed, comes to the Constable of the next Town, and wills him to raise Hue and Cry, or to make Pursuit after the Offender, describing the Party, and shewing as near as he can, which Way he is gone; the Constable ought forthwith to call upon the Parish for Aid in seeking the Felon; and if he be not found there, then to give Warning to the next Constable, and he to the next to him, until the Offender be apprehended, or at least until he be so pursued to the Sea-side. Of this see *Bract. lib. 3. traet. 2. cap. 5. Smith de Repub. Angl. lib. 2. cap. 20. and the Statute of Winchester, made Anno 13 E. 1. and the Statute of 18 E. 3. cap. 11. and An. 27 El. cap. 13.*

Huers.

Huers. See Conders.

Hundred.

Hundreds were divided by King Alfred, after he had divided the whole Realm into certain Parts or Sections, which of the Saxon Word *Scyran*, signifying to cut, be termed Shires, or (as we yet speak) Shares and Portions. These Shires he also divided into smaller Parts; whereof some were called Lathes, of the Word *Gelathian*, which is to assemble together: Others Tithings, because there were in each of them to the Number of Ten Persons, whereof each one was Surety and Pledge for others good abearing: Others Hundreds, because they contained Jurisdiction over one Hundred

si le Partie rob, ou ascun en le companie de un que fuit murdre ou rob, vient al Constable del prochain Ville, & luy commanda de faire Hue & Crye, ou de faire Pursuit puis le Offendor, describant le partie, & cy pres que il poir, monstrans quel voy il est ale; le Constable doit immediate-ment de appeller sur le Paroche pur aid en querance le Felon; & si il ne soit trove la, donne de doner garrant al prochain Constable, & il ad prochain a luy, jesque le Offendor soit apprehend, ou al meins jesque il soit este pursue al latere de Mere. De ceo veies *Bract. l. 3. tr. 2. c. 5. Smith de Repub. Angl. l. 2. c. 20. & le Statute de Winchest. fait An. 13 E. 1. & le Stat. de 18 E. 3. c. 11. & An. 27 El. c. 13.*

Huers.

Huers. Veies Conders.

Hundred.

Hundreds fueront divide par Alfred le Roy, apres que il ad divide le entire Realm en certaine parts ou sections, le quel de le Saxon parol *Scyran*, significant de scinder, il terme Shires, ou (sicome nous uncore parle) Shares & Portions. Ceux Shires il auxy divide en Petits parts; de queux ascuns fueront appellees Lathes, de le parol *Gelathian*, que est de assembler ensemble: auters Tithings, pur ceo que la fueront en chescun de eux al number de Dize persons; de que chescun fuit Suretie & Pledge pur auters bone behaviour: Auters Hundreds, pur ceo

ceo que ils containe Jurisdiction sur un Hundred homes ou Pledges, demurrant peradventure en deux, ou trois, ou pluis Paroches, Boroughs, ou Villes, esteant & adjoynant niens meins procheine ensemble, en le quel il appoint administration de Justice destre exercise severalement enter eux de mesme le Hundred, & nemy que le un irra hors disorderment en le auter Hundred, Lathe, ou Tithing, en que il ne demurt.

Ceux Hundreds continue a cest jour en force, nient obstant ne en tout al mesme le purpose pur que al primer ils fueront ordeine, uncore a ore mult necessarie, & en temps de Peace pur bone order de Government divers voies, & en Guerre pur certaintie de levying de homes; come auterment pur le pluis speedie Collection des Payments grant en Parliament a les Roys de ceo Realme.

Hundred-Lagh.

Hundred-Lagh signifie le Hundred-Court, de quel routs les Officers del Forrest le Roy fueront exempt per le Chartre de *Canutus*, cap. 9.

Hundredors.

Hundredors, *Hundredarii*, sont Homes empanel ou apt de estre empanel en un Jury sur un Controversy, demurrant en le Hundred lou le terre en question gist, *Crompt. Jur.* 217. & 35 H. 8. c. 6. Auxy il signifie celuy que avoit le Jurisdiction de un Hundred, & tient le Hundred Court: Et alcun foits il est prist pur un Bailiff de un

Men or Pledges, dwelling peradventure in two, or three, or moze Parishes, Boroughs, or Towns, lying and adjoining nevertheless somewhat near together, in which he appointed Administration of Justice to be exercised severally among them of the same Hundred, and not that one should run out disorderly into another's Hundred, Lathe, or Tithing, wherein he dwells not.

These Hundreds continue to this Day in Force, although not altogether to the same Purpose whereunto at first they were appointed, yet still very needful, both in Time of Peace for good Order of Government others Ways; and in War for Certainty of keeping Men; as also for the more ready Collection of Payments granted in Parliament to the Kings of this Realm.

Hundred-Lagh.

Hundred-Lagh signifies the Hundred Court, from which all the Officers of the King's Forest were freed by the Charter of *Canutus*, cap. 9.

Hundredors.

Hundredors, *Hundredarii*, are Men impanel'd, or fit to be impanel'd on a Jury upon a Controversy, dwelling in the Hundred where the Land in Question lies, *Crompt. Jur.* 217. & 35 H. 8. c. 6. It also signifies him that hath the Jurisdiction of an Hundred, and holdeth the Hundred Court: And sometimes it is taken for the Bailiff of an Hun-

Hundred, Horn's Mirrour of Just.
Lib 2. cap. Office del Coroner.

*Hundred. Horn's Mirrour de Just.
l. 1. c. Office del Coroner.*

Hundredum.

Hundredum is, to be quit of
Honey or Customs to be
paid to Governours and Hundre-
dors.

Hundredum.

Hundredum est, quietum esse
de Denariis vel Consuetu-
dinibus faciendis Præpositis &
Hundredariis.

Hurst.

Hurst is a little Wood.

Hurst.

Hurst est un petit Bosc.

Husfastene.

Husfastene (quasi Domi fixus)
is he that holds House and
Land. Bract lib. 3. tract. 2. c. 10.

Husfastene.

Husfastene (quasi Domi fixus)
est il que tient Meason &
Terre. Br. l. 3. tr. 2. c. 20.

Hustings.

Hustings (Hustingum) is a
Court of Common-Pleas
held before the Mayor and Alder-
men of London, and it is the high-
est Court they have, for Error or
Attaint lies there of a Judgment
or false Verdict in the Sheriff's
Court, as it appears by Fitz. N.
B. 22. H. &c. and the Statute
of 11 H. 7. cap. 21. And other
Cities and Towns have had a
Court of the same Name, as
Winchester, Lincoln, York, and
Sheppy. So called from the Sax-
on Hus, Domus, and Thing,
Causa; quasi Domus Causarum.

Hustings.

Hustings (Hustingum) est un
Court de Common-Plees
tenus devant le Maior & Alder-
men de Londres, & est le plus
hault Court que ils ont, car
Error ou Attaint gist la dun
Judgement ou faux Verdict en
le Court le Viscount, come
appiert per Fitzh. N. B. 22 H.
&c. & per le Statute de 11 H.
7. c. 21. Et auters Cities &
Boroughs ont ew un Court de
mesme le nosme, come Win-
chester, Lincoln, York, & Sheppy.
Ilzint appelle de le Saxon Hus,
Domus, & Thing, Causa; quasi,
Domus Causarum.

Hydegild.

Hydegild is a Price or Ransom
to be paid for the saving of
his Skin from being beaten.

Hydegild.

Hydegild est un price ou ran-
som de estre pay pur le sal-
ver de son pel de estre batus.

Hythe.

Hythe is a Port or Haven to
imbarke or land Merchandise,
as Queen-hythe, Lamb-hythe,
&c.

Hythe.

Hythe est un Port ou petit Ha-
ven al embarquer ou mitter
Merchandise sur le terre, come
Queen hythe, Lamb-hythe, &c.

Idemp.

I.

I.

*Idemptitate, ou Identitate
nominis.*

Idemptitate nominis est un Brief que gist lou Brief de Det, Covenant, Accompt, ou tiel semble Brief est port vers un home, & un auter que ad mesme le nosme ove le Defendant est pris pur luy ; donques il avera cest Brief per que le Viscount ferra inquirie devant le Justice assigne in mesme le Countie, si soit mesme le person ou nemy ; & sil ne soit trove le partie, donques il alera sans jour en peace.

Ideot.

Ideot est celuy que est un Sot natural de sa neistre, & ne scavoit de accompler xx d. ou nosme de son Pere ou Mere, ne de quel age luy mesme est, ou tiel semblable plain common choses, issint que il appiert que il nad ascun manner de Intendment, reason, ou government de luy mesme. Mes si il poit lier, ou apprehender de lier per instruction & information des auters, ou poit mesure un Uln de drape, ou nosme les Jours en le semaine, ou engender un Enfant, ou tiel semblable, per que il poit appear que il ad ascun lumen de Reason ; tiel nest *Ideot* naturalment.

*Idemptitate, or Identitate
nominis.*

Idemptitate nominis is a Writ that lies where a Writ of Debt, Covenant, or Account, or such other Writ is brought against a Man, and another that hath the same Name with the Defendant, is taken for him ; then he shall have this Writ, by which the Sheriff shall make Inquiry before the Justice assigned in the same County, if he be the same Person or not ; and if he be not found to be the Party, then he shall go without Day in Peace.

Ideot.

Ideot is he that is a Natural Fool from his Birth, and knows not how to count Twenty Pence, or name his Father or Mother, nor tell his own Age, or such like easie and common matters, so that it appears he hath no Manner of Understanding, Reason, or Government of himself. But if he can read, or learn to read by Instruction and Information of others, or can measure an Ell of Cloth, or name the Days of the Week, or beget a Child, or such like, whereby it may appear he hath some Light of Reason ; such a one is no *Ideot* naturally.

Ideota inquirendo vel examinando.

Ideota inquirendo vel examinando.

IDeota inquirendo is a Writ directed to the Sheriff of the County, to call before him the Party suspected of Ideocy, and examine by the Oath of twelve Men, whether he have sufficient Wit to dispose of his own Lands, and to certify this into the Chancery: For the King hath Power by his Prerogative to dispose of his Subjects Estates who are defective in their Understandings. 17 Ed. 2. c. 9. Reg of Writs 207.

IDeota inquirendo est un Brief direct al Viscount del County, de amener devant luy le Person suspect de Ideocy, & al examiner luy sur le serement de 12 homes, si il avoit sufficient intelle& a disposer son Terres demesne, & a certifier ceo en le Chancery. Car le Roy avoit poyer per son prerogative a disposer des Estates de son Subjects que sont defective en lour Intellects. 17 Ed. 2. c. 9. Reg. del Br. 207.

Jeofail.

Jeofaile.

Jeofail is, when the Parties to any Suit in Pleading have proceeded so far that they have joined Issue, which shall be tried, or is tried by a Jury or Enquest; and this Pleading or Issue is so badly pleaded or joined, that it will be Error if they proceed: Then some of the said Parties may by their Counsel shew it to the Court, as well after Verdict given and before Judgment, as before the Jury is charged. And the Counsel shall say, This Enquest ye ought not to take. And if it be after Verdict, then he may say, To Judgment you ought not to go. And because such Niceties occasioned many Delays in Suits, divers Statutes are made to redress them, as well in the Time of King H. 8. an. 32. c. 30. as of Queen Eliz. whereof we may say as the Civilians, That although Constantine the Emperor commanded the Forms of the Law to be cut off, yet the daily Use of Pleading doth seem again to

Jeofaile est, quand les parties al ascun Suit en pleadant ont a tant proceed que ils ayant joyne Issue, quel serra trie, ou est trie per un Jurie ou Enquest; & cel Pleading ou Issue est cy malement plede ou joyne, que il serra Error si eux proceed: dunque ascun del dits parties poit pet lour Council monstre ceo al Court, auxy bien apres Verdict done & devant Judgment, come devant le Jurie soit charge. Et le Council dirra, Cest Enquest ne doit prender. Et si soit apres Verdict, donques il poit dire, al Judgment ne debes aler. Et pur ceo que per tiels niceties mults delaies fueront en Suits, divers Statutes sont faits de redresser ceo, auxy bien en temps de Roy H. 8. an. 32. c. 30. come en le temps le Roigne Eliz. de queux home poit dire come les Civilians, Quod tamen si Juris formulas amputari jussit Constantinus Imperator, quotidianus tamen forensis usus

eas revocasse videtur, vel potius, quod crescunt ut Hydræ capita.
 Veies auxy ore un novel Statute de Jeofailes, fait en 21 Jac. c. 13.

recall them, or rather, some of them increase as the Heads of *Hydra*. See also now a new Statute of Jeofails, made in 21 Jac. c. 13.

Jetsam.

J*etsam* est, quand un Niese est en peril destre merge, & pur disburden le Niese les Mariners *jetta* les biens en le Mer; Et puis nient obstant le Niese perish, nul de ceux biens que sont appel *Jetsam*, *Floatsam*, ou *Lagan*, sont appel *Wreck*, cy long come ils remain en ou sur le Mer; mes si aucun de eux sont mise al terre per le Mer, donque ils ferront dit *Wreck*, & passe per le graunt de *Wrick*. *Coke*, l. 5. f. 106.

Jetsam.

J*etsam* is, when a Ship is in Danger to be cast away, and to disburthen the Ship, the Mariners cast the Goods into the Sea; and although afterward the Ship perish, none of those Goods called *Jetsam*, *Floatsam*, or *Lagan*, are called *Wreck*, as long as they remain in or upon the Sea; but if any of them are driven to Land by the Sea, there they shall be reputed *Wreck*, and pass by the Grant of *Wreck*. *Coke*, l. 5. f. 106.

Jettezoons.

J*ettezoons*, ceo est mention en Policies de Insurance, & signifie biens eject en le mere, en un grand storm.

Jettezoons.

J*ettezoons*, This is mentioned in Policies of Insurance, and signifies Goods thrown into the Sea in a great Storm.

Illoyal Assembly.

I*lloyal Assembly* est, lou people eux assemble insimul pur faire illoyal chose enconter le Peace, nient obstant que ils ne execute leur purpose en fait.

Unlawful Assembly.

U*nlawful Assembly* is, where People assemble themselves together to do some unlawful Thing against the Peace, altho' they execute not their Purpose in Deed.

Imparlance.

I*mparlance*. Veies *Emparlance*.

Imparlance.

I*mparlance*. See *Emparlance*.

Imparfonee.

I*mparfonee*, come Parson *imparfonee* est celuy que est induct & en possession de un Benefice.

Imparfonee.

I*mparfonee*, as Parson *imparfonee* is he that is inducted and in Possession of a Benefice.

Impeachment de Waste.

I*mpachment de Waste*, (*Impetitio Vastii*) est tant adire come un Demand fait ou de-

Impeachment of Waste.

I*mpachment of Waste*, (*Impetitio Vastii*) is as much as to say a Demand made or to be made

made of Recompence for Waste done by a Tenant that hath but a particular Estate for Life or Years. And therefore he that hath such a Lease without Impeachment of Waste, hath by that a Property or Interest given him in the Houses and Trees, and may make Waste in them, without being impeached for it, that is, without being questioned, or Demand of any Recompence for the Waste done. See Coke, l. 11. Bowles Case, f. 82. b.

Implead.

Implead cometh from the French Word *Plaider*, and signifieth to sue, arrest, or prosecute by due Course of Law.

Implements.

Implements comes either from the French Word (*Employer*, to imploy, or from the Latin *Implere*, to fill up) and is used for Things of necessary Use in any Trade or Mystery, which are employed in the Practice of the said Trade, or without which the Work cannot be accomplished. Also for Furniture with which the House is filled. And in that Sense you shall find the Word often in Wills and Conveyances of Moveables.

Impost.

Impost is a French Word that signifies Tribute, but with us it is taken for the Tax that is paid the King for any Merchandise brought into any Haven from Places beyond the Seas. And it is used in the Statute of 31 Eliz. c. 5. as a Word of the same Signification with Custom which Merchants pay.

estre fait pur Waste fait per un Tenant que nad forsque un particulier Estate pur vie ou pur ans. Et pur ceo cestuy que ad tiel Lease *sans Impeachment de Waste*, ad pur ceo un proprietie ou interest a luy done en les Measons & Arbres, & poit faire Waste en eux sans estre *impeach* pur ceo, cestascavoir, sans estre question ou aucun Recompence de luy demand pur le Waste fait. Veies Coke, l. 11. en Bowles Case, f. 82. b.

Implead.

Implead vient del Francois parol *Plaider*, & signifie de suer, arrester ou prosecute per due course del Ley.

Implements.

Implements venust ou del parol Francois (*Employer*) ou del Latine (*Implere*) & est use pur choses necessaries destre use en aucun Trade ou Myserie, queux sont *employes* en le practice del dit Trade, ou sans queux l'ouvrage ne poit estre accomplish. Auxy pur le Furniture quibus *impletur* Domus. Et en ceo sensse vous troveres le parol plusors foits en darreine Volunts & auters Conveyances des Moveables.

Impost.

Impost est un parol Francois que signifie Tribute, mes ove nous est prise pur le Tax pay al Roy pur aucun Merchandise emport en aucun Havre hors des lieux ouster le Mer. Et est use en le Saature de 31 Eliz. cap. 5. come un Synonymon ove *Custom* que Merchants payont.

Imprisonment.

I*mprisonment* est le Restraint del Libertie d'un home, soit ceo en le overt Champs, ou en le Cippes ou Cage en les Streets, ou en le proper Meason de un home, cybien come en le common Goal. Et en tous ceux lieux le partie issint restrain est dit destre un *Prisoner*, cy longement come il nad son Libertie frankement d'ire a tous temps & lieux lou il voit, sans Baile ou Mainprise.

Impropriation.

I*mpropriation* est properment quand le Advowson est en les mains d'un Lay-home, & Appropriation quand en les mains d'un Evesque, College, &c. Ils sont en Angleterre 3845 *Impropriations*.

Incident.

I*ncident* signifie un chose necessairement dependant sur un autre come plus principal; sicome un Court-Baron est issint incident al un Manour, & Court de Pipowders al un Fair que ils ne poent estre sever per Grant; car si un Manour ou Fair sont grant, ceux Courts ne poent estre sever. *Kitch. 36. Co. Lit. 151.*

Incumbent.

I*ncumbent* venust del Latine (*Incumbere*) & signifie cestuy que est present, admit, & institue al ascun Esglise ou Benefice ove Cure; que est pur ceo appel l' *Incumbent* de ceo Esglise, eo quod *incumbit ad Curam animarum ibidem omni studio.*

Imprisonment.

I*mprisonment* is the Restraint of a Man's Liberty, whether it be in the open Field, or in the Stocks or Cage in the Streets, or in a Man's own House, as well as in the common Goal. And in all these Places the Party so restrained is said to be a *Prisoner*, so long as he hath not his Liberty freely to go at all times to all Places whither he will, without Bail or Mainprise.

Impropriation.

I*mpropriation* is properly so called, when the Advowson is in the Hands of a Layman, and Appropriation when in the Hands of a Bishop, College, &c. There are in England 3845 *Impropriations*.

Incident.

I*ncident* signifies a Thing necessarily depending upon another as most principal; as for Example, a Court-Baron is so incident to a Manor, and a Court of Pipowders to a Fair, that they cannot be severed by Grant; for if a Manor or Fair be granted, these Courts cannot be severed. *Kitch. 36. Co. Lit. 151.*

Incumbent.

I*ncumbent* comes of the Latin (*Incumbere*) and signifies him that is presented, admitted and instituted to any Church or Benefice with Cure; who is therefore called the Incumbent of that Church, because he doth bend all his Study to the Discharge of the Cure there.

Indicavit.

INDICAVIT is a Writ of Prohibition that lies for the Patron of a Church, whose Clerk is Defendant in Court-Christian in an Action for Tithes, commenced by another Clerk, and extending to the fourth Part of the Church, or of its Tithes: In which Case the Suit belongs to the King's Court, by Westm. 2. c. 5. Wherefore the Defendant's Patron (being like to be prejudiced in his Church and Advowson, if the Plaintiff obtain in the Court-Christian) has this means to remove it to the King's Court. Reg. orig. fol. 35. and Britton c. 109. This Writ is not returnable; but if they cease not their Suit, he shall have an Attachment.

Inditement.

INDITEMENT. See Enditement.

Indorsement.

INDORSEMENT is that which is written upon the Back of a Deed, as the Condition of the Obligation is said to be indorsed, because it is commonly written on the Back of the Obligation.

Induction.

INDUCTION is a lay Act made by Precept of the Ordinary, by which actual Possession of the Church is given to the Rector or Vicar after his Presentation and Institution to it.

Infangtheef.

INFANGTHEEF is a Privilege or Liberty granted to Lords of certain Mannors, to judge any Thief taken within their Fee.

Indicavit.

INDICAVIT est un Brief ou Prohibition que gist pur un Patron d'un Eglise, quel Clerk est Defendant en Court-Christian en un Action pur Tithes, commence pur un aut' Clerk & extendant al quart part del Eglise, ou ses Tithes; en quel case le Suit appertein al Court le Roy, per Westm. 2. c. 5. Et pur cest cause le Patron del Defendant (esteant en peril destre prejudice en son Eglise & Advowson, si le Plaintife gaine en le Court-Christian) ad cel means a remove ceo al Court de Roy, Reg. orig. f. 35, & Brit. c. 209. Cest Brief nest retournable; mes s'ils ne cessent leur Suit, il avera un Attachment.

Inditement.

INDITEMENS. Veies Enditement.

Indorsement.

INDORSEMENT, est ceo que est escrie sur le Dorse d'un Escrip; come le Condition d'un Obligation est dit destre indorse, pur ceo que est communment escrie sur le Dorse del Obligation.

Induction.

INDUCTION est un lay act fait per precept del Ordinary, per quel Actual possession de Eglise est done al Rector ou Vicar puis son Presentation & Institution a ceo.

Infangtheef.

INFANGTHEEF est un Privilege ou Libertie concede al Seigniors del certain Mannors, pur juger ascun Larons prise deins leur Fee.

Information.

INformation pur le Roy est ceo que pur un common Person est appel un *Declaration*; & nest tous foits fait directment per le Roy ou son Attorney, mes per un autre home, *qui tam pro Domino Rege quam pro seipso sequitur*, sur le breach d'ascun penal Ley ou Statute, en que un Penaltie est done al partie que voit sue pur ceo; mes nul Action de Det pur recover ceo, donque il doit estre ew per *Information*.

In grosse.

IN grosse est ceo que est obso- lute & independent, apper- teinant al Person, & nemy al Manour ou Terres, come Vil- lain in grosse, Advowson en grosse, &c. Co. Lit. 100. b.

Ingrosser.

INgrosser venust del parol *Francois Grosier*, id est, So- lidarius venditor. Mes en nostre Ley un *Ingrosser* est un que achate Blees, Graine, Butre, Formage, Poisson, ou autre mort Victuals, ove un intent pur ceux vende arriere. Et issint il est define en le Stat. de 5 E. 6. c. 14. fait encounter tiel *Ingrosser*. Est auxi un Clerk qui escrit Records ou Instru- ments del Ley.

Inheritance.

INheritance est tiel Estate en Terres ou Tenements, ou autres choses, que poent estre inherir per le Heir; soit ceo d'Estate en Fee-simple, ou Taile, per Discent de ascun de ses Ancestors, ou per son Purchase demesne.

Information.

INformation for the King is that which for a common Person is called a Declaration; and is not always done directly by the King or his Attorney, but rather by some other Man, who sues as well for the King as for himself, upon the Breach of some penal Law or Statute, wherein a Pe- nalty is given to the Party that will sue for the same; but no Action of Debt to recover it, therefore it must be had by Infor- mation.

In gross.

IN gross is that which is abso- lute and independing, belong- ing to the Person, and not to a Manor or Lands, as a Villain in gross, an Advowson in gross, &c. Co. Lit. 120. b.

Ingrosser.

INgrosser comes of the French Word *Grosier*, that is, one that sells by Whole-sale. But in our Law an *Ingrosser* is one that buys Corn, Grain, Butter, Cheese, Fish, or other dead Vi- ctuals, with an Intent to sell the same again. And so he is defi- ned in the Stat. of 5 E. 6. c. 14. made against such *Ingrossing*. It is also a Clerk who writes Re- cords or Instruments of Law.

Inheritance.

INheritance is such Estate in Lands or Tenements, or o- ther Things, as may be inherited by the Heir; whether it be Estate in Fee-simple, or Tail, by Dis- cent from any of his Ancestors, or by his own Purchase.

And

And it is divided into Inheritance Corporate, and Inheritance Incorporeate.

Inheritance Corporate are Messuages, Lands, Meadows, Pastures, Rents, and such like, that have Substance in themselves, and may continue always: And these are called Corporal things.

Inheritance Incorporeate are Advowsons, Villains, Ways, Commons, Courts, Fishings, and such like, that are or may be appendant or appurtenant to Inheritance corporate.

Inhibition.

Inhibition is a writ to inhibit a Judge to proceed farther in the Cause depending before him.

And there is another Writ, where after the King's Presentment to a Benefice, he presents another, and inhibiteth the Bishop to give Induction to the first Presentee. *Pl. Com.* 528. See *F. N. B. f.* 39. where he puts Prohibition and Inhibition together. Inhibition is most commonly a Writ issuing forth of an higher Court-Christian to a lower and inferiour, upon an Appeal, Anno 24. H. 8. c. 12. and Prohibition out of the King's Court of Record at Westminster to a Court-Christian, or to an inferior Temporal Court.

Injunction.

Injunction is an interlocutory Decree out of the Chancery, sometimes to give Possession to the Plaintiff for Defect of Appearance in the Defendant; sometimes to the ordinary Courts of the King, and sometimes to the Court-Christian, to stay Pro-

Et est divide en Inheritance Corporate, & Inheritance Incorporeate.

Inheritance Corporate sont Messuages, Terres, Prees, Pastures, Rents, & tiels semblables, que ont substance en eux mesmes, & poient continuer tout temps: Et ceux sont appel choses Corporal.

Inheritance Incorporeate sont Advowsons, Velleines, Ways, Commons, Courts, Piscaries, & tiels semblables, que sont ou poient estre appendant ou appurtenant al *Inheritance corporate*.

Inhibition.

Inhibition est un Brief de inhibiter un Judge de proceder ouster en le Cause dependant devant luy.

Et est auter Brief lou puis Presentment le Roy al Benefice il present auter & inhibite l'Evesque a faire Induction al primer Presentee. *Pl. Com.* 528. Veies *F. N. B. f.* 39. ou il mitta *Prohibition* & *Inhibition* ensemble. *Inhibition* est puis communement un Brief issuant hors d'un puis haut Court-Christian a un puis base & inferior, sur un Appeal, Anno 24 H. 8. c. 12. & *Prohibition* hors del Court le Roy de Record al Westminster a un Court-Christian, ou a un inferior Court Temporal.

Injunction.

Injunction est un interlocutorie Decree hors del Chancery, ascun foits a done Possession al Plaintife pur defect de Apparance en le Defendant, ascun foits al ordinaire Court del Roy, & ascun foits al Court-Christian, de estop

Proceeding en un Cause sur suggestion fait, que si le rigour del Ley prend lieu, est encounter Equitie & Conscience en cel Case. Veies *West. part. 2. tit. Proceedings in Chancerie, sect. 25.*

ceeding in a Cause upon Suggestion made, that if the Rigour of the Law take place, it is against Equity and Conscience in that Case. See *West. part. 2. tit. Proceedings in Chancery, Sect. 25.*

Inlagarie.

I*Nlagarie* ou *Inlagation* est le Restitution de un Utlawe al Protection del Roy, ou al benefit ou condition de un Subject.

Inlagary.

I*Nlagary* or *Inlagation*, is a Restitution of one outlawed to the King's Protection, or to the Benefit and Condition of a Subject.

Inlaugh.

I*Nlaugh* signifie luy que est *sub Lege*, en quelque Frankpledge, nemy utlaw; de quel veies *Bract. l. 3. tract. 2. c. 11.*

Inlaugh.

I*Nlaugh* signifies him that is *sub Lege*, in some Frankpledge, not *Outlaw*; of whom see *Bract. l. 3. tract. 2. c. 11.*

Inmates.

I*Nmates* sont ceux persons de un Familie que sont permittes pur vner & inhabiter en un Cottage ensemble ove un autre Familie, per que les povers del Parish serront increase. Et pur ceo per le Statute de 31 *Eliz. c. 7.* la est un Penaltie de dize soulds per mois impose sur chescun que recevra ou continuera tiel *Inmate*.

Inmates.

I*Nmates* are those Persons of one Family that are suffered to come and dwell in one Cottage together with another Family, by which the Poor of the Parish will be increased. And therefore by the Statute of 31 *Eliz. c. 7.* there is a Penalty of Ten Shillings a Month set upon every one that shall receive or continue such an *Inmate*.

Innotescimus.

I*Nnotescimus* sont Letters Patent issint appel, queux sont tous foits de un Charter de Feoffment, ou ascun autre Instrument nient de Recorde, issint dit del parols en le conclusion, *Innotescimus per presentes*; Et ceo nient differ del un *Vidimus. 5 Co. Page's Case.*

Innotescimus

I*Nnotescimus* are Letters Patent so stiled, which are always of a Charter, Feoffment, or some other Instrument not of Record, so called from the Words in the Conclusion, *Innotescimus per presentes*. And do not differ from a *Vidimus. 5 Co. Page's Case.*

Inquisition.

I*nquisition.* Veies *Enquest.*

Inquisition.

I*nquisition.* See *Enquest.*

Inrolment.

Inrolment.

Inrolment is the Registring, Recording, or Entering of any Act or Deed in the Chancery, or elsewhere, as of a Recognizance, Fine, Statute or Deed indented by the Statute of 27 H. 8. c. 16. by which a Freehold shall pass.

Inspeximus.

Inspeximus are Letters Patent, so called because they begin after the Title of a King with these Words, Inspeximus: and are the same with an Exemplification. Co. 5. Rep. Page's Case.

Instant.

Intant (in Latin *Instant*) is defined by the Logicians, A Thing not dividable in Time, which is not any Time, nor part of Time, to which yet the parts of Time are conjoined, and much considered in the Law: And though it cannot be actually divided, yet in Consideration and Conceit it may be divided and applied to several purposes, as if they were several Times; whereof see in Plowden's Commentaries in the Case between Fulmerston and Stuard, where the Statute of 31 H. 8. (which enacted, That if an Abbot within a Year before the Statute had letten Lands to one, who at the Time of making that Lease had the same Land to farm for a Term of Years, then not expired, that the Lessee should have that Land for twenty-one years) is expounded.

And there it is debated, That when the Termor takes the second Lease, he surrenders his former Term; and so at the same Instant of taking the second Lease,

Inrolment.

Inrolment est le Registre, Recorder, ou Enter d'asc' Act ou Fait en le Chancerie ou auters, come d'un Recognizance, Fine, Statute, ou Fait indented per le Statute de 27 H. 8. c. 16. per que un Frank-tenement passera.

Inspeximus.

Inspeximus sont Letters Patent, ainsi dit par ceo que commence puis le Title le Roy ove ceux parols *Inspeximus*; & est tout un ove Exemplification. Co. 5. Rep. Page's Case.

Instant.

Intant (en Latine, *Instant*) est define per les Logicians, *Unum indivisible in Temp'*, quod non est Tempus, nec pars Temporis, ad quod tamen partes Temporis copulantur, & mult consider en Ley; & comment ne poit actualment estre divide, uncore en consideret & conceit il poit estre divide, & apply al several purposes, sicome fueront several temps, de quel veies en Plowden's Commentaries en le Case enter Fulmerston & Stuard, lon le Statute 31 H. 8. (que enact, Que si Abbe deins un an devant cest Statute lessa Terre al un, que al temps del feafance de mesme le Lease eyt mesme le Terre al ferme pur terme de ans, donque nient expire, que le Lessee avera cest Terre solement pur vint un ans) est expound.

Et la est debate, Que quant Termor prent le second Lease, il surrender son form' terme, & sic al mesme temps del prisel del second Lease, le former

mer terme est expire. Et en le Case enter *Petit & Hales*, cestuy que occide luy mesme, tanque soit mort ne fesoit Felonie, & quant fuit mort ne est en esse, issint que poit estre dit Felon, mes al *instant* est en Ley adjudge Felon.

Et sont mults Cases en Ley, lou l'*instant* temps, que est indivisible en nature, en consideration del ment & intendement del Sages del Ley est divide; sur queux surde mults aguments de grand use & profound learning.

Institution.

Institution est un Faculty fait per l'Ordinarie per quel un Vicar ou Rector est approve de estre induct al Rectoie ou Vicarage.

Quand l'Evesque institue un Clerc, qui est presente a ascun Benefice, il luy dit, *Instituto te Rectorem talis Ecclesie, cum cura animarum, & accipe curam tuam & meam*. Chaque Rectorie consiste d'un Spiritualite & d'un Temporalite: Quant al Spiritualite, viz, le Cure des Ames, il est Parson complet, per l'Institution; mes quant al Temporalities come Gleabterres, &c. il nad Franc-tenement en eux jesque al Induction. Le primer Commencement d'Institution fuit en un national Synode tenu a Westminster per Jean de Crema, le Legat du Pape, en le Ann 1124. Veies Selden's Histoire de Disines, pag 375.

Insuper.

Insuper est un parol use per les Auditors en leur Accounts en le Exchequer, quand ils dient tant remain *insuper*

the former Term is expired. And in the Case between *Petit and Hales*, he who kills himself, commits not Felony till he be dead, and when dead, he is not in being so as to be termed a Felon, but at the Instant is in the Law so adjudged.

And there are many other Cases in Law, where the Instant time, that is not dividable in Nature, in the Consideration of the Mind and understanding of the Sages of the Law is divided; upon which arise many Arguemnts of great use and profound Learning.

Institution.

Institution, is a Faculty made by the Ordinary, by which a Vicar or Rector is approved to be inducted to a Rectory or Vicarage.

When the Bishop institutes a Cleric, who is presented to a Benefice, he says to him, *Instituto te Rectorem talis Ecclesie, cum cura animarum, & accipe curam tuam & meam*. Every Rectory consists of a Spirituality and a Temporality: As to the Spirituality, viz, the Cure of Souls, he is a compleat Parson by Institution; but as to the Temporalities, Glebe Land, &c. he has no Freehold therein till Induction. The first Beginning of Institution to Benefices was in a national Synod held at Westminster by John de Crema, the Pope's Legat, in the Year 1124. See Selden's History of Tithes page 375.

Insuper.

Insuper is a Word used by the Auditors in their Accounts in the Exchequer, when they say, so much remains insuper to such an Accountant,

Accountant, i. e. so much remains due upon such an Account. Stat. 21 Jac. cap. 2.

a tiel Accountant, i. e. tant remain due sur tiel Account. Stat. 21. Jac. cap. 2.

Intercommoning.

Intercommoning is where the Commons of two Manors lie so near, that the Inhabitants of both have Time out of Mind depastured their Cattel promiscuously.

Intercommoning.

Intercommoning est lou les Commons de deux Manours gisent cy pres, que les Inhabitants de ambideux ont temps d'ont memory depasture leur Avers ensemble.

Interdiction.

Interdiction has the same signification in the Common as in the Canon Law, where it is thus defined, Interdictio est Censura Ecclesiastica prohibens administrationem Divinorum. And so it is used, 23 H. 8. cap. 12.

Interdiction.

Interdiction ad le mesme signification en le Common come en le Canon Ley, ou il est ainsi define, Interdictio est Censura Ecclesiastica prohibens administrationem Divinorum. Et ainsi il est use, 22 H. 8. c. 12.

Interest.

Interest is vulgarly taken for a Term or real Chattel; but more strictly for a future Term, and in pleading he is said to be possessed de interesse termini. But more strictly in a legal Sense it signifies the Estate, Right or Title which any one hath to or out of Lands. Co. Lit. 345. b.

Interest.

Interest est communement prise pur un Term ou real Chattel; mes plus particulièrement pur un Term a venir, & en pleading est dit de estre posses de interesse termini. Mes strictment en un legal sense il signifie le Estate, droit ou title que aucun avoit al ou hors de Terres. Co. Lit. 345. b.

Interlocutory.

Interlocutory, as an Interlocutory Order, Ordo interlocutorius, is an Order which decides not the Cause, but only settles some intervening Matter relating to it: As when an Order is made, on a Motion in Chancery, for the Plaintiff to have an Injunction to quiet his Possession till the hearing of the Cause; This or any such Order, not being final, is interlocutory.

Interlocutorie.

Interlocutorie, come un interlocutorie Order, Ordo interlocutorius, est un Order qui ne decide le Cause, mes seulement regle aucun interveignant Matière concernant ceo: Come quand un Order est fait, sur Motion en Chancerie, que le Plaintiff avera un Injunction, pur le quieter de son Possession, jesque al Oyer del Cause: Ceo, ou aucun tiel Order, n'estant final, est interlocutorie.

• Intestates.

Intestates.

Intestates sont de deux forns ;
 1. Ceux que font nul Testaments. 2. Ceux que font Testaments, & nosmont Executors, mes ils refuse, en quel case il est dit de morer intestate, & le Ordinary poet commit Administration. Co. 2. Inst. 397.

Intrusion.

Intrusion est un Brief que gist vers celuy que enter apres le mort le Tenant en Dower, ou ascun auter Tenant pur vie, & tenuit hors celuy en le Reversion ou Remainder. Veies pur ceo Fitz. N. B. fol. 203. E. Et chescun Entry sur le possession le Roy est appel un *Intrusion* ; come lou le Heir le Tenant le Roy enter apres Office, & devant Liverie, ceo est dit un *Intrusion* sur l'Roy, come appiert en Staundf. Prerog fol. 40. & mults auters Livres.

Inventarie.

Inventarie est un Catalogue ou recital en escript des tous les Biens & Chattels dun que est mort, ove le valuation de eux per quat' credible persons, le quel chesc' Executor & Administrator doit exhibit al Ordinarie al temps appoint.

Joyntenants.

Joyntenants sont, lou deux homes vienent as asc' Terres ou Tenements per un *joyn Title* ; come si home done Terres a deux homes & lour Heires.

Tenants en common sont, lou deux ont Terres per several Titles, ou per Feoffment al deux, a aver & tener l'un

Intestates.

Intestates are of two Sorts ;
 1st. Those which make no Wills. 2^d. Those which make Wills, and name Executors, but they refuse ; in which Case he is said to die Intestate, and the Ordinary may commit Administration. Co. 2. Inst. 397.

Intrusion.

Intrusion is a Writ that lies against him that enters after the Death of Tenant in Dower, or other Tenant for Life, and holds out him in the Reversion or Remainder ; for which see Fitz. N. B. fol. 203. E. And every Entry upon the Possession of the King is called an Intrusion ; as where the Heir of the King's Tenant enters after Office, and before Liverie, this is called an Intrusion upon the King, as appears in Staundf. Prerog. fol. 40. and many other Books.

Inventory.

An Inventory is a Catalogue or Recital in Writing of all the Goods and Chattels of one that is Dead, with the Valuation of them by four credible Persons, which every Executor and Administrator ought to exhibit to the Ordinary at the time appointed.

Jointenants.

Jointenants are, where two Men come to any Lands or Tenements by one joint Title ; as if a Man give Lands to two Men, and to their Heirs.

Tenants in Common are, where two have Lands by several Titles, or by Feoffment to two, to have and to hold the one Half to one and

and his Heirs, and the other
Half to another and his Heirs :
In all these Cases none of them
knows his feveral.

If there be two or three Join-
tenants, and one hath Issue and
dies, then he or those Jointen-
nants that oberlive shall have
the whole by Surbivorship.

If two Jointenants by Agree-
ment make Partition between
them by Deed, then they are se-
veral Tenants.

But if one Jointenant grant
that which belongs to him to a
Stranger, then the other Join-
tenant and the Stranger are Te-
nants in Common.

And though two Tenants in
common be seised throughtly and
of the whole, and none knows his
several ; yet if one die, the other
shall not take the whole by Sur-
bivorship, but the Heir of him
that dies shall have the Half.

And so if there be three Join-
tenants, and one of them makes
a feoffment of his Part to ano-
ther, and the Feoffee dies ; then
his Heir shall have the third
Part, and the other two are Join-
tenants as they were, because
they two are seised by one joint
Title.

Also if Lands be given to the
Baron and his Wife, and the
Husband aliens and dies, the
Wife shall recover the whole :
But if they were Jointenants
before the Coverture, then he
shall recover but the Half.

If Land be given to the Hus-
band and his Wife, and a third
Person, if the third Person grant
that which belongs to him, the
one Half passes by this Grant ;

moyetie al un & ses Heires.
& l'auter moyetie al auter &
ses Heires : En tous ceux ca-
ses nul de eux scavoit son se-
veral.

Si sont deux ou trois
Joyntenants, & un ad issue
& devie, donques cestuy ou
ceux Joyntenants que sur-
viver avera l'entiertie per Sur-
viver.

Si deux Joyntenants sont
Partice enter eux per Fait per
agreement, donques ils sont
several Tenants.

Mes si un Joyntenant grant
ceo que a luy appent a un
Estranger, donques l' auter
Joyntenant & l' Estranger sont
Tenants en common.

Et mesque deux Tenants
en common sont seisie per my
& per tout, & nul conust son
several ; uncore si un devie,
l'auter ne avera le entiertie
per Surviver, mes le Heire de
celuy que devie avera le moy-
erie.

Et issint si sont trois Joyn-
tenants, & un de eux fait Fe-
offment de son parte a un au-
ter, & le Feoffee devie ; don-
ques son Heir avera le tierce
part, & les auters deux sont
Joyntenants come ils fueront,
pur ceo que eux deux sont
seisies pur un joynt Title.

Auxy si Terre soit done al
baron & sa feme, & le baron
alien & devie, le feme reco-
vera l'entiertie : Mes si ils fu-
eront Joyntenants devant le
Coverture, donques en tiel
case il recoversa forsque le
moietie.

Si Terre soit done al baron
& sa feme, & al tierce person,
si le tierce person grant ceo
que a luy appent, la moietie
passa per cel Grant ; pur ceo
que

que le baron & sa feme sont forsqne un person en le Ley, & en cest case ils nount en droit forsqne le moietie.

Auxy si deux Joyntenants sont des Terres en Ville que est Borough-English, lou Terre est devisable; & l'un per son Testament devisa ceo que a luy appent a un Estranger & devie; cest Devise est void, & le auter avera lentierte per Survivor, pur ceo que le Devise ne poit prender effect tanque apres le mort le Devisor; & immediatement apres le mort le Devisor le droit devient al auter Joyntenant per Survivor, que ne claime riens per le Devisor, mes en son droit demesne per Survivor. Mes autrement est de Parceners seises des Terres devisables, *causa qua supra.*

Journies accounts.

Journies accounts (*Dietæ computatæ*) est un terme en le Ley que est entendu en cest manner: Si un Brief soit abate sans le default le Plaintiff ou Demandant, il poit purchase un novel Brief, que si soit purchase per *Journies accounts*, (cest-ascavoir, deins cy petite temps come il poit apres l'Abatement del primer Brief) donque cest second Brief serra come un Continuance del primer Brief, & issint oustera le Tenant ou Defendant de son Voucher, Plee de nontenure, Joyntenance, pleinment administer, &c. ou ascun auter Plee que accrue sur matter apres le date del primer Brief. Et quinze jours ont estre reputes un convenient temps pur le purchase del novel Brief. Veies pur cest

for that the Baron and his Wife are but one Person in Law, and in this Case they have Right but to Half.

Also if two Jointenants are of Lands in a Town that is Borough-English, where Land is devisable, and one by his Testament devises that which belongs to him to a Stranger, and dies; this Devise is void, and the other shall have the whole by Survivor, for that the Devise may not take Effect till after the Death of the Devisor; and immediately after the Death of the Devisor, the Right comes to the other Jointenant by Survivor, who claims Nothing by the Devisor, but in his own Right by Survivor. But otherwise it is of Parceners seized of Lands devisable, *causa qua supra.*

Journies accounts.

Journies accounts (*Dietæ computatæ*) is a Term in the Law which is understood thus: If a Writ be abated without the Default of the Plaintiff or Demandant, he may purchase a new Writ, which if it be purchased by *Journies accounts* (that is, within as little Time as he possibly can after the Abatement of the first Writ) then this second Writ shall be as a Continuance of the first, and so shall oust the Tenant or Defendant of his Voucher, Plea of Nontenure, Jointenancy, fully administered, &c. or any other Plea which arises upon Matter happening after the Date of the first Writ. And fifteen Days have been held a convenient time for the purchase of the new Writ. See for this Writ by *Journies accounts*,
Spencer's

Spencer's Case, Coke, lib. 6. fol. 9. b.

Brief per *Journies accounts*, *Spencer's Case*, *Coke*, l. b. 6. fol. 9. b.

Joynture.

Joynture is an Estate and Assurance made to a Woman in Consideration of Marriage, for Term of her Life, or otherwise; as is mentioned in the Statute of 27 H. 8. cap. 10. whether it be before, or after Marriage. And if it be after, then she may at her Liberty, after the Death of her Husband, refuse to take or have the Lands so assured for her Joynture, and demand her Dower at the Common Law: But if it be made before Marriage, then she may not refuse such Joynture, nor have Dower according to the Common Law, unless that when she brings her Writ of Dower, the Defendant pleads such a Plea as will not bar her of her Dower; as if he say in Bar, that her Husband was not seised of such an Estate whereof she might be endowed, or any such Plea, and doth not shew that she hath a Joynture made, &c. and therefore demands Judgment of that Action, or any such like Plea, &c. And this was the Opinion of Master Brograve at his Reading in Grays-Inn in Summer, An. 1567. 18 Eliz. upon a Branch of the Statute made 27 H. 8. cap. 10. concerning Joyntures and Dowers.

And of those Things whereof a Woman may be endowed, she may have a Joynture; as of Mines, Vesturam terræ, Woods, Towns, Isles, Meadows, and such like. Also of an Advowson, Reversion depending upon an Estate for Life, Wind-mill, high Chamber, Rectory, and such other; and they are called

Joynture.

Joynture est un Estate & Assurance fait à un Feme en consideration de Marriage, pur terme de sa vie, ou autrement; comme est mention en le Statute 27 H. 8. c. 10. soit il devant ou apres Marriage. Et si il soit apres, donques el poit a sa libertie apres le mort de sa baron refuser de prendre ou aver les Terres issint assure pur sa Joynture, & demander sa Dower a le Common Ley: Mes si il soit fait devant Marriage, donque el ne poit refuse tiel Joynture, ne aver Dower accordant al Common Ley, si non que quand el port sa Dower, le Defendant plead tiel Plee, que ne voile luy barrer de sa Dower; sicome il dit en Barre, que sa baron ne fuit seisse de tiel Estate de que el poit estre endowe, ou ascun tiel Plee, & ne monstre que el ad un Joynture fait, &c. & pur ceo demaund Judgment de cel Action, ou ascun tiel semblable Plee, &c. Et ceo fuit le opinion de Monsieur Brograve al son Lecture en Grays Inne en Summer, An. 1567. 18 Eliz. sur un branch del Statute fait An. 27 H. 8. cap. 10. concernant Joyntures & Dowers.

Et de ceux choses de que un feme poit estre endowe, el poit aver un Joynture; come de Mines, *Vesturam terræ*, Boys, Villes, Isles, Meadows, & tiels semblables. Item de un Advowson, Reversion dependant sur un Estate pur vie, Wind-mill, hault Chamber, Rectory, & tiels autres; &

ils sont appels *Tenements*. Item d'un Villeine, car il est Hereditament. Et de tous ceux de quel nul profit poit venir al feme, mes plustost un charge, un Joynture ne poit estre fait. Veies pur ceo matter, Co. lib. 4. fol. 1. *Vernon's Case*.

Issue.

Issue, Exitus, vient del *François Issuer*, i. e. *emanare*; il ad plurs Applications en le commun Ley; ascun foits il est use pur les enfans engendres ent un Baron & son Feme; ascun foits pur les Profits surdant del Amercements & Fines; ascun foits pur les Profits de terres ou Tenements; & ascun foits pur cel Point del *Mattere* pendant en Suit, sur lequel les Parties joynant, & mirtont leur Cause al Tryal del Jury. Issue en cest dernier Signification est ou General, ou Special. General Issue est ceo par lequel est referre al Jury de porter eins leur Verdict, an le Defendant ait fait ascun tiel chose sicome le Plaintiff met a son charge. Special Issue est quand Special *Mattere* est ail-ge per le Defendant pur sa defense, & ambideux Parties joynont sur ceo, & issint allont plus tost a un Demurrer, s'il soit *Quæstio Juris*, ou al Trial per le Jury, s'il soit *Quæstio Facti*.

Jurats.

Jurats, *Jurati*, sont en le nature de Aldermen pur le governance de leur several Corporations; come le Mayor & Jurats de *Maydstone*, *Rye*, *Winchesey*, *Tenterden*, &c.

Tenements. Also of a Willain, for he is an Hereditament. And of all Things where Profit will not come to the Wife, but rather a Charge, a Joynture cannot be made. See Coke, lib. 4. fol. 1. *Vernon's Case*.

Issue.

Issue, Exitus, cometh of the French Issuer, i. e. to go out. It has divers Applications in the Common Law; sometimes it is used for the Childzen begotten between a Man and his Wife; sometimes for Profits growing from Amerciements and Fines; sometimes for Profits of Lands or Tenements; and sometimes for that Point of Matter depending in Suit, whereupon the Parties join, and put their Cause to the Trial of the Jury: Issue in this last Signification is either General, or Special: General Issue is that whereby it is referred to the Jury to bring in their Verdict, whether the Defendant hath done any such Thing as the Plaintiff layeth to his Charge. Special Issue is when Special Matter is alledged by the Defendant for his Defence, and both Parties join thereupon, and so go rather to a Demurrer, if it be *Quæstio Juris*, or to Trial by the Jury, if it be *Quæstio Facti*.

Jurats.

Jurats, *Jurati*, are in the Nature of Aldermen for the Government of their several Corporations; as the Mayor and Jurats of *Maydstone*, *Rye*, *Winchelsey*, *Tenterden*, &c.

Jurisdiction.

Jurisdiction is a Dignity which a Man hath by a Power to do Justice in Causes of Complaint made befoze him.

Juris utrum.

Juris utrum is a Writ that lies for the succeeding Incumbent of a Benefice, to recover the Lands or Tenements belonging to the Church, which were aliened by his Predecessor. And see of this Fitz. N. B. fol. 48. R. and see after in the Title Utrum.

Juror.

Juror is one of those 24 or 12 Men which are sworn to deliver a Truth upon such Evidence as shall be given them touching the Matter in Question: Of which see Fitz. N. B. fol. 165. D. and the Statute 16 and 17 Car. 2. cap. for returning able and sufficient Jurors.

Justice-seat.

Justice-seat is the highest Court that is held in a Forrest, and it is always held befoze the Lord Chief-Justice in Eyre of the Forrest, upon Warning 40 Days befoze. And there the Judgments are always given, and the Fines set for Offences that were presented at the Courts of Attachments, and the Offenders indicted at the Swainmotes. See concerning this Court Manwood's Forest Laws, cap. 24. fol. 238. b.

Justices in Eire.

Justices in Eire. See Eire.

Jurisdiction.

Jurisdiction est un dignity que un home ad per un pouvoir de fair Justice en Causes de complaint fait devant luy.

Juris utrum.

Juris utrum est un Brief que gist pur le Successor Incumbent d'un Benefice, pur recover les Terres ou Tenements appartenants al Esglise, que fueront alien per son Predecessor. Et veies de ceo Fitz. N. B. fol. 48. R. & veies apres Title Utrum.

Juror.

Juror est un de ceux 24 ou 12 homes que sont jure al deliver le voierly sur tiel Evidence come ils serra don touchant le matter en question: De queux veies Fitz. N. B. fol. 165. D. & le Stat. 16 & 17 Car. 2. for returning able and sufficient Jurors.

Justice-seat.

Justice seat est le plus hault Court que est tenu en un Forrest, & cest tous temps tenu devant le Seignior Chief Justice en Eyre del Forrest, sur un summons per 40 jours devant. Et la les Judgments sont tous soits dones, & Fines assesles pur Offences que fueront present al Courts del Attachments, & les Offendors indicts as Swainmotes. Veies cest Court Manw. Forrest Leys. cap. 24. fol. 238. b.

Justices en Eire.

Justices en Eire. Veies Eire.

Justicies.

Justicies est un Brief direct al Viscount pur le dispatch del Justice en ascuns special cases en son County-Court, des queux il ne poit per son ordinarie poyar tener Plee la. Et de ceo poies veier Precedents en Fitzh. N. B. fol. 117. C. en Account, & fol. 152. B. en Annuity, & fol. 119. G. en Det, & plusors auters. Et est appel un Justicies, pur ceo que est un Commission al Viscount ad justiciandum aliquem; & ne require ascun Returne ou Certificate de ceo que il ad fait.

Justicies.

Justicies is a Writ directed to the Sheriff for the Dispatch of Justice in some special Cases in his County-Court, of which he cannot by his ordinary Power hold Plea there. And of this you may see Precedents in Fitzh. N. B. fol. 117. C. in Account, and fol. 152. B. in Annuity, and fol. 119. G. in Debt, and many others. And it is called a Justicies, because it is a Commission to the Sheriff to do a Man Right; and it requires no Return or Certificate of what he hath done.

K.

Keelage.

Keelage, en Latine Killagium, est un Custome pay al Hartlepoole en Durham, pur chescun nief veignant en ceo Port. Rot. Parl. 21 E. 1.

Kiddle.

Kiddle ou Kidel, est un Dam ou Wear en un River. Omnes Kidalli deponantur de cætero penitus per Thamesin & Medweyam & per sotam Angliam, nisi per costeram Maris. Mag. Char. cap. 24.

King's silver.

King's silver est le Argent que est debite al Roy en le Court de Common Plees, pur un Licence y concessé al

K.

Keelage.

Keelage, in Latin Killagium, is a Custom paid at Hartlepool in Durham, for every Ship coming into that Port. Rot. Parl. 21 E. 1.

Kiddle.

Kiddle or Kidel, is a Dam or Wear in a River. All Kidels shall from henceforth be utterly put down in the Thames and Medway, and throughout all England, except upon the Seacoast. Mag. Char. cap. 24.

King's silver.

King's silver is the Money which is due to the King in the Court of Common Pleas, for a License there granted to any

any Man to pass a Fine. Coke, lib. 6. fol. 39, & 43.

ascun home a passer un Fine. Coke, l. 6. fol. 39, & 43.

Kintal.

Kintal is a Weight commonly of One hundred Pounds more or less, according to the Usage of sundry Nations. Mr. Plowden in the Case of Reniger and Fogassa makes mention of this Word.

Kintal.

Kintal est un Pois, communement de Cent livres, greinder ou meins, selon de Usage de divers Nations. Monsieur Plowden en le Case de Reniger & Fogassa fait mention de ceo parol.

Knight's Service.

Knight's Service was a Tenure by which several Lands in this Nation were held of the King. But it is abolished by Statute 12 Car. 2. cap. 24.

Knight-Service.

Knight-Service fuit un Tenure per quel plusieurs Terres en cest Nation fueront tenus del Roy. Mes il est abolie per Statute 12 Car. 2. cap. 24.

L.

L.

Laches.

Laches or Lasches is an old French Word signifying Blackness or Negligence, as it appears in Lit. sect. 403, & 726. where Laches of Entry is nothing else but a Neglect in the Infant to enter. So that I think it may be an old English Word. And when we say, There is Laches of Entry, it is as much as to say, There Lack is of Entry, or there is Lack of Entry. Yet I find that (Lascher) in French is to Loyer, and (Lasche) signifies one that is idle or lazy; and therefore it may also come from the French. For Etymologies are divers, and many times ad placitum.

Laches.

Laches ou Lasches est un veil parol Francois, que signifie Negligence, come appiert en Littl. sect. 403. & 726. lou Laches del Entrie nest riens forsque un Neglect en le infant pur enter. Ilint que moy semble que poit estre un vieux parol Anglois. Et quand nous diomus, Icy est Laches d'Entrie, est tant adire come, icy est Lache del Entrie. Uncore jeo trove que (Lascher) en Francois est Laxare, & (Lasche) significat Ignavum vel Flaccidum; & pur ceo poit vener auxy del Francois. Car Etymologies sont divers, & plusors foits ad placitum.

Lagan.

L*agan* est tiel parcel des Biens come les Mariners en le peril del Naufrage jectont hors del Niese; & pur ceo que ils scavoient que les biens sont ponderous, & voilont sinke, ils lient as eux un Buoy ou Corke, al intent que poient eux trover, & re-aver. Si le Niese soit merge, ou autrement perish, ceux biens sont appels *Lagan* ou *ligan*, a *ligando*: Et cy longement come ils continue sur le Mer, ils appertinent al Admiral; mes s'ils sont jects sur le Terre, adonque ils sont appels *Wreck*, & appertinent a celui que avoit le *Wreck*, come appiert en *Coke*, l. 5. f. 106.

Lagman.

L*agman* est Homo Legalis seu legitimus, tiel que nous appellomus, *Good Men of the Jury*. Le parol est trove en *Dooms day-book*.

Land-cheap.

L*and-cheap* est un payment de 10 d. en les deniers pur chescun Mark del purchase des terres deins le Borough de *Maldon* en *Essex*, per prescription. Quel vide H. 25, 26 Car. 2. Roll 706. en B. R.

Lapse.

L*apse* (*Lapsus*) est l'Omission del Patron pur presenter al Eglise de son Patronage deins six mois apres Voydance per mort, ou prisel del auter Benefice sans qualification, ou notice a luy done del Resignation ou Deprivation del present Incumbent; per quel

Lagan.

L*agan* is such a Parcel of Goods as the Mariners in a Danger of Shipwreck cast out of the Ship; and because they know they are heavy, and will sink, they fasten to them a Buoy or Cork, that so they may find them, and have them again. If the Ship be drowned, or otherwise perish, these Goods are called *Lagan* or *Ligan*, a *ligando*: And so long as they continue upon the Sea, they belong to the Admiral; but if they are cast upon the Land, they are then called a *Wreck*, and belong to him that hath the *Wreck*, as it appears in *Coke*, l. 5. f. 106.

Lageman.

L*ageman* est Homo Legalis, seu legitimus, such as we call *Good Men of the Jury*. The Word is found in *Dooms day-Book*.

Land-cheap.

L*and-cheap* is a Payment of 10 d. in the Purchase-Money for every Mark thereof, for all the Lands within the Borough of *Maldon* in *Essex*, by Prescription, which see H. 25, 26 Car. 2. Roll. 706. in B. R.

Lapse.

L*apse* (*Lapsus*) is the Omission of a Patron to present to a Church of his Patronage within six Months after an Avoidance by Death, or taking of another Benefice without Qualification, or Notice to him given of the Resignation or Deprivation of the present Incumbent;

hent ; by which Neglect Title is giben to the Ordinary to collate to the said Church.

Neglect Title accrue al Ordinarie pur collater al dit Esglise.

Larceny.

Larceny is a wrongful taking away another Man's Goods, but not from his Person, with a Mind to steal them.

And Theft is in two Sorts ; the one so called simply, and the other Petit or Little Theft.

The first is, where the Thing stolen exceeds the Value of 12 d. and this is Felony.

The other (called Little or Petit Theft) is where the Thing stolen doth not exceed the Value of 12 d. and that is not Felony.

Last.

Last signifies a certain Weight or Burthen ; as a Last of Herrings is ten thousand, Anno 31 E. 3. Stat. 2. cap. 2. a Last of Hides is twelve Dozen, Anno 1 Jac. c. 33.

Lastage.

Lastage is, to be quit of a certain Custom exacted in Fairs and Markets, for carrying of Things where a Man will.

Lathe.

Lathe, Læstum, is a great part of a County sometimes containing three or more Hundreds, as in Kent, Suffex, &c.

Latitat.

Latitat is a Writ by which all Men in personal Actions are originally called in the King's Bench to answer. And it is called Latitat, because it is sup-

Larcenie.

Larcenie est un tortious prisel des biens d'un auter home, mes nemy de son person, ove un ment d'eux embler.

Et Larcenie est en deux sorte ; le un issint appel simplement, & le auter Petit Larcenie.

Le primer est lou le chose emblee exceeda le value de 12 d. & ceo est Felonie.

L'auter (que est appel Petit Larcenie) est lou le chose emblee ne exceeda le value de 12 d. & ceo n'est Felonie.

Last.

Last signifie un certeine Pois ou Burden : come un Last de Herring est 10000, Anno 31 E. 3. Stat. 2. c. 2. un Last de Hides est douze dozen, Anno 2 Jac. c. 33.

Lastage.

Lastage est, quietum esse de quadam Consuetudine ex-acta in Nundino & Mercato pro rebus cariandis ubi homo vult.

Lathe.

Lathe, Læstum, est un grand part de un County ascun foits conteignant trois ou plusors Hundreds, come en Kent, Suffex, &c.

Latitat.

Latitat est un Brief per que tous homes en Personal Actions sont originalment appels en Banke le Roy de res-ponder. Et est appel Latitat, E e 3 pur

pur ceo que est suppose per le Brief que le Defendant ne poit estre trove en le Countie del *Middlesex*, come appiert per le Retourne del Viscount de ceo Countie, mes que *Lotitat* en auter Countie; & pur ceo al Viscount de ceo Countie est cest Brief direct pur luy prender.

Law.

LAW. Veies *Ley*.

Law-Day.

LAW-Day signifie un Leet ou Tourne del Viscount, come appiert per le Statute, 1 E. 4. c. 2. lou le Tourne le Viscount est issint appel, & 9 H. 7. f. 21. b. & plusors auters Livres, lou un Leet est issint appel. Veies *Smith de Repub. Anglorum*, l. 2. c. 21.

Lawing of Dogs.

LAWing of Dogs. Veies *Ex-peditate*.

Lawless Man.

LAWless Man est il que est *extra Legem*, un Outlaw. *Bract.* l. 3. tract. 2. c. 11. num. 1.

Leases.

Leases sont Graunts ou Demises, per un que ad ascenn Estate en Hereditaments, de ceux Hereditaments al auter pur meinder temps. Et ceo sont en divers manners; cest-ascavoir, pur terme de Vie, pur Anns, pur auter Vie, & a Volunt.

Auxy un Lease de Terre est auxy bone sans Fait, come per Fait.

Mes en un Lease pur terme de Vie il covient de done Li-

posed by the Writ that the Defendant cannot be found in the County of *Middlesex*, as it appears by the Return of the Sheriff of that County, but that he lurks in another County; and therefore to the Sheriff of that County is this Writ directed to apprehend him.

Law.

LAW. See *Ley*.

Law-day.

LAW-Day signifies a Leet or Sheriff's Tourn, as it appears by the Statute of 1 E. 4. c. 2. where the Sheriff's Tourn is so called, and 9 H. 7. f. 21. b. and many other Books, where a Leet is so called. See *Smith's Common-wealth*, l. 2. c. 21.

Lawing of Dogs.

LAWing of Dogs. See *Ex-peditate*.

Lawless Man.

LAWless Man is he who is *extra Legem*, an Outlaw. *Bract.* l. 3. tract. 2. c. 11. num. 1.

Leases.

Leases are Grants or Demises, by one that hath any Estate in any Hereditaments, of those Hereditaments to another for a lesser Time. And they are in divers Manners, viz. for Term of Life, for Years, for another's Life, and at Will.

Also a Lease of Land is as good without Deed, as with Deed.

But in a Lease for Term of Life, it behoves to give Liberty and

and Seisin upon the Land, or else Nothing shall pass by the Grant, because they are called Free-holds.

Also a Lease of a Common or Rent may not be good without Deed.

But of a Parsonage that hath Glebe, it is good without Deed, for that the Glebe of the Church, which is the Principal, may well enough pass without Deed; and so the Tithes and Offerings, which are as accessory to the Church.

But Tithes and Offerings by themselves may not be let without Deed, as it is said.

Leet.

LEET is a Court derived out of the Sheriff's Tourn, and inquires of all Offences under the Degree of High Treason that are committed against the Crown and Dignity of the King. But those Offences which are to be punished with Loss of Life or Member, are only inquirable there, and to be certified over to the Justices of Assize. See Stat. 1. E. 3. c. 17.

Legacy.

Legacy (Legatum) is a Term of the Civil Law, and it is that which we in our Law call a Devise, viz. Lands or Goods given unto any Man by the Will or Testament of another. See more Tit. Devise before.

Leproso amovendo.

Leproso amovendo is a Writ which lies for a Parish to remove a Leper, or Lazar, who thrusts himself into the Company of his Neighbours, either in

verie & Seisin sur le Terre, ou autrement riens passera per le Grant, pur ceo que ils sont appellees *Franke-tenements*.

Auxy un Lease d'un Common ou Rent ne poit estre bone sans Fait.

Mes d'un Parsonage que ad Glebe il est bone sans Fait, pur ceo que le Glebe del Esglise, que est le Principal, poit assers bien passer sans Fait; & issint les Dismes & Offerings, que sont come accessorie al Esglise.

Mes Dismes & Offerings per soy ne poient estre lesses sans Fait, ut dicitur.

Leet.

LEET est un Court derive hors del Tourne le Viscount, & inquire des toutes Offences soubz le degree de Hault Treason queux sont commises encounter le Corone & Dignitie le Roy. Mes ceux Offences queux sont punies per perde de vie ou member sont solement inquirables la, & destre certifies ouster as Justices del Assize. Veies Stat. 1 E. 3. c. 17.

Legacie.

Legacie (*Legatum*) est un term del Civil Ley, & est ceo que nous en nostre Ley appellomus un *Devise*, viz. Terres ou Riens done al ascun per le Volunt ou Testament d'un auter. Veies plus Tit. *Devise* devant.

Leproso amovendo.

Leproso amovendo est un Brief que gist pur un Parish a remover un Leper ou Lazar qui se intrude deins le Company de son vicines, ou en le
E c 4
Esglise

Esglise ou auter publick Assemblies a lour annoyance ou disturbance. *Reg. Orig. 257. F. N. B. 423.*

the Church, or other publick Meetings to their Annoyance or Disturbance. *Reg. Orig. 257. F. N. B. 423.*

Lessor & Lessee.

Lessor est celuy que lessa Terres ou Tenemens al auter pur terme de vie, ans, ou a volunt : Et celuy a que le Lease est fait est appel Lessee.

Lessor and Lessee.

Lessor is he that leases Lands or Tenements to another for Term of Life, Years, or at Will : And he to whom the Lease is made is called Lessee.

Levant & Couchant.

Levant & Couchant est dit, quand les Beasts ou Cattel de un Estranger sont venue en le Terre de un auter home, & la ont remaine un certain bone space de temps.

Levant and Couchant.

Levant and Couchant is said, when the Beasts or Cattel of a Stranger are come into another Man's Ground, and there have remained a certain good Space of Time.

Levari facias.

Levari facias est un Brief direct al Viscount pur le Levier d'un somme des deniers sur les Terres, Tenements, & Chattels cestuy que ad forfeit un Recognisance. *Veies F. N. B. f. 265. D.*

Levari facias.

Levari facias is a Writ directed to the Sheriff for the Levying of a Sum of Money upon the Lands, Tenements and Chattels of him that hath forfeited a Recognizance. *See F. N. B. fol. 265. D.*

Ley.

Ley est, quand Action de Det est port vers un sur aucun secret Agreement ou Contract ewe perenter les parties sans Especialtie monstre, ou auter matter de Record ; come en un Action de Detinue pur ascuns biens ou chattels accommode ou relinque ove le Defendant ; donques le Defendant poit gager son Ley, sil voile, cestascavoir, jurer sur un Livre, & certeine persons ove luy, que il ne detain les biens, ou doit riens al Plaintiff, en manner & forme come il ad declare.

Et ceo est allowe solement en cases de Secrecie, ou le Plaintiff ne poit prover le

Law.

LAW is, when an Action of Debt is brought against one upon some secret Agreement or Contract had between the Parties without Especialty shewed, or other Matter of Record ; as in an Action of Detinue for some Goods or Chattels lent or left with the Defendant ; then the Defendant may wage his Law, if he will, that is, swear upon a Book, and certain Persons with him, that he detaineth not the Goods, or owes Nothing to the Plaintiff, in Manner and Form as he hath declared.

And it is allowed only in Cases of Secrecy, where the Plaintiff cannot prove the Surmise

mise of his Suit by any Deed
or open Act; for the Defendant
might discharge it privately be-
tween them without any Ac-
quittance or publick Act. And
therefore in an Action of Debt
upon a Lease for Years, or up-
on Arrearages of Accompt be-
fore Auditors assigned, a Man
shall not wage his Law.

But when one shall wage his
Law, he shall bring with him
vi, viii, or xij of his Neigh-
bours, as the Court shall assign
him, to swear with him, much
like the Oath which they make
who are used in the Civil Law,
to purge others of any Crime
laid against them, who are called
Compurgators.

Note, that the Offer to make
the Oath is called *Wager of
Law*; and when it is accom-
plished, then it is called the *Doing
of the Law*.

And if the Sheriff in any
Action return, that he hath sum-
moned the Defendant to appear
in Court at any Day to answer
the Plaintiff, at which Day he
makes Default; Process shall
be awarded against him, to
come and save, or excuse his
Default; which is as much
as to say, to excuse the Delay,
or otherwise to lose the Thing
demanded: And if the Defendant
comes, and swears he was not
summoned, which is called *Wa-
ging of Law*; then he ought to
do it at the Day assigned, with
xij others. And in doing of his
Law he ought upon his Oath
to affirm directly the contrary
of that which is imputed to
him: But the others shall on-
ly say, They think he saith the
Truth.

Surmise de son Suit per ascun
Fait ou Overt action; car le
Defendant poit ceo discharge
secretment perenter eux, sans
ascun Acquittance ou Pub-
lique act. Et pur ceo en
Action de Det sur un Lease
pur ans, ou sur Arrearages de
Accompt devant Auditors as-
signe, home ne gagera son Ley.

Mes quand un gagera son Ley,
il amesnera ovesque luy vi,
viii, ou xii de ses Vicines,
come le Court luy assignera,
de jurer ovesque luy; mult
semble al serement que eux fe-
soient que sont uses en le Civil
Ley, de purger auters d'ascun
crime al eux impute, que sont
appel *Compurgators*.

Nota que l'Offer de faire le
Serement est appel le *Gager del
Ley*, & quand il est accom-
plish, donques est appel le *Fe-
sans del Ley*.

Et si le Viscount en ascun
Action retourne, que il eyt
summon le Defendant d'ap-
peare en Court a ascun jour a
responder le Plaintife, a quel
jour il fait Default; Process
sera agard vers luy, de vener
& save, on excuse son de-
fault; que est tant adire,
come a purgare moram, ou
auterment de perdre le chose
demand: Et si le Defendant
vient, & jure que il ne fuit
summon, que est appel *gager
del Ley*, donques il doit ceo
faire al jour assigne, ove xii
auters. Et en *fesans del Ley* il
doit sur son Serement affir-
mer directement al contrarie de
ceo que est impute a luy:
Mes les auters dirra seulement,
que eux entende que il dit le
veritie.

Libel.

Libel (*Libellus*) est un terme del Civil Ley, & signifie le Original Declaration en aucun Action ; & issint est use en les Statutes, 2 Hen. 3. cap. 3. & 2 E. 6. cap. 13. Et *factus Libellus* signifie proprement en nostre Ley un Scandalous report del ascun home illoyalment publie en escript. Veies de ceo Coke, lib. 5. fol. 125. a.

Liberate.

Liberate est un Garrant issuant hors del Chancerie al Treasurer, Chamberlains, & Barons del Exchequer, ou Clerke del Hamper, &c. pur le Payment de ascun annual Pension, ou autre Summe graunt south le Grand Seal, Regist. orig. 193. Ou ascun foits al Viscount, &c. F. N. B. fol. 132. pur le deliverie de Terres ou Biens prise sur Forfeiture de un Recognizance, Fitz. N. B. 131, 132. Coke, lib. 5. Fulwood's Case, fol. 64, 66, 67. Auxy a un Gaoler del Justices, pur le deliverie de un Prisoner que ad mita eins Baile pur son Appearance.

Est auxy un autre Brief fait hors del Petty-bag Office en Chancery, sur Statute-Staple, puis un extent sur ceo retourne ; per quel le Viscount retourne que il aver liver la terre extend, al Conuzee : Quel esteant file, il poit donques (& nient devant) porter son Action de Ejectment a recover possession de sterres extend,

Libel.

Libel (*Libellus*) is a Term of the Civil Law, signifying the Original Declaration in any Action ; and so it is used in the Statutes of 2 H. 3. cap. 3. and 2 E. 6. cap. 13. And an infamous Libel signifies properly in our Law a scandalous Report of any Man unlawfully published in Writing : Of which see Cok. lib. 5. fol. 125. a.

Liberate.

Liberate is a Warrant issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the Exchequer, or Clerk of the Hamper, &c. for the Payment of any yearly Pension, or other Sum granted under the Great Seal, Regist. Orig. 193. Sometimes to the Sheriffs, &c. Fitzh. N. B. fol. 132. for the Delivery of Land or Goods taken upon Forfeiture of a Recognizance, F. N. B. 131, 132. Cok. lib. 4. Fulwood's Case, fol. 64, 66, 67. Also to a Gaoler from the Justices for the Delivery of a Prisoner that hath put in Bail for his Appearance.

There is also another Writ made out of the Petty-Bag Office in Chancery, upon a Statute-Staple, after an Extent thereupon returned ; by which the Sheriff returns he has delivered the Land extended to the Cognizee ; which being filed, he may then (and not before) bring his Action of Ejectment to recover Possession of the Lands extended,

Libel.

Libertate probanda.

Libertate probanda. Look for that in the Title *Nativo habendo*.

Liberty.

Liberty is a Privilege held by Grant or Prescription, where by Men enjoy some Benefit or favour beyond the ordinary Subject. *Bract. lib. 2. cap. 5.*

Librata Terræ.

Librata Terræ contains four Ox-gangs, and every Ox-gang 13 Acres of Land. *Skene de verb. signif. verbo bovata Terræ.*

Lien.

Lien is a Word of two Significations. Personal Lien, as a Bond, Covenant or Contract: And Real Lien, as Judgment, Statute, Recognizance, or an Original against an Heir which obliges and affects the Land.

Ligeance.

Ligeance is a True and faithful Obedience of the Subject due to his Sovereign; and this Ligeance, which is an Incident inseparable to every Subject, is in four Manners: The first is Natural, the Second acquired, the Third local, and the Fourth legal. Of all which you may read much excellent Learning in *Cok. lib. 7. Calvin's Case.*

Limitation.

Limitation is an Assignment of a Space of Time, within which he that will sue for any Lands or Hereditaments ought

Libertate probanda.

Libertate probanda. Vide *pur ceo en le Title Nativo habendo.*

Libertie.

Libertie est un privilege tenu per grant ou Prescription, per que homes auront aucun benefit ou favour ouster le common Subject. *Bract. l. 2. c. 5.*

Librata Terræ.

Librata Terræ contains quater Ox-gangs, & chescun Ox-gang 13 Acres de Terre. *Skene de verb. Signif. verbo Bovata Terra.*

Lien.

Lien est un parol de deux significations, Personal lien come Bond, Covenant ou Contract. Et real lien come Judgment, Statute, Recognizance, ou Original brief versus un Heir queux oblige & affect la terre.

Ligeance.

Ligeance est un voire & loyal Obedience del Subject due a son Sovereigne; & cest Ligeance, que est un incident inseperable a chesc' Subject, est en quater manners: Le primer est *natural*, le second *acquirus*, le tierce *local*, & le quart *legal*. De tous queux vous poies lier mult bone erudition en *Coke, lib. 7. Calvin's Case.*

Limitation.

Limitation est un Assignment de space ou temps, deins quel cestuy que voill' suer pur aucuns Terres ou Hereditaments

ditaments doit prouver, que il ou son Ancestor fuit seisie del chose demaund, ou autrement ne maintiendra son Suit ou Action; quel Assignments sont faits per divers Statutes: Come le Stat. de Merton, cap. 8. Westm. 1. cap. 38. 32 Hen. 8. cap. 2. &c.

Liverie de Seisin.

Liverie de Seisin est un Ceremonie ule en Conveyance de Terres ou Tenements, lou un Estate en Fee-simple, Fee-tail, ou un Franktenement passera. Et il est un Testmoigne de le voluntarie Departing de luy que fait le Liverie del chose de que Liverie est fait. Et le receit del Liverie est un voluntarie Acceptance per le autre partie de tout ceo de que autre ad luy deveste. Et fuit invent come un overt & notorious chose, per means de que le common people poient aver Intelligence de Passing ou Alteration de Estates de home al home, que per ceo ils poient estre le meilleur able pur trier en que le droit & possession de Terres & Tenements fueront, s'ils doient estre empanel en Jures, ou autrement ont a faire concernant ceo.

Le common manner de Liverie de Seisin est en cest sort: Si il soit en l'overt Champe, ou ne sont Edifices ou Meason, donques un que poit lier prist le Fait en son maine, si le Estate passera per Fait, & declara al eux que la sont le cause de lour vener la ensemble, &c. & donques overtment lia le Fait, ou declare l'effect de ceo; & apres que

to prove, that he or his Ancestor was seised of the Thing demanded, or otherwise he shall not maintain his Suit or Action; which Assignments are made by divers Statutes: As the Statute of Merton, cap. 8. Westm. 1. cap. 38. 32 Hen. 8. cap. 2. &c.

Livery of Seisin.

Livery of Seisin is a Ceremony used in Conveyance of Lands and Tenements, where an Estate in Fee-simple, Fee-tail, or a Freehold shall pass. And it is a Testimonial of the willing departing of him who makes the Livery from the Thing whereof Livery is made. And the Receiving of the Livery is a willing Acceptance by the other Party of all that whereof the other hath devested himself. And it was invented as an open and notorious thing, by means whereof the common People might have knowledge of the Passing or Alteration of Estates from Man to Man, that thereby they might be the better able to try in whom the Right and Possession of Lands and Tenements were, if they should be impanelled on Juries, or otherwise have to do concerning the same.

The Common manner of Delivery of Seisin is thus: If it be in the open Field, where is no Building or House, then one that can read takes the Writing in his Hand, if the Estate pass by Deed, and declares to the Standers-by the Cause of their meeting there together, &c. and then openly reads the Deed, or declares the Effect thereof; and after that is sealed,

sealed, the Party who is to depart with the Ground takes the Deed in his Hands, with a Clod of the Earth, and a Twig of Bough, if any be there, which he delivers to the other Party in the Name of Possession or Seisin, according to the Form and Effect of the Deed there read or declared. But if there be a Dwelling-House or Building upon the Land, then this is done at the Door of the same, none being left at that Time within the House; and the Party delivers all aforesaid, with the Ring of the Door, in the name of Seisin or Possession; and he that receives the Libery enters in first alone, and shuts the Door, and presently opens it again, and lets them in, &c. If it be a House whereto is no Land nor Ground, the Libery is made and Possession taken by the Delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the Party declares by word of Mouth, before Witnesses, the Estate that he means to depart with, and then delivers Seisin or Possession in manner aforesaid; And so the Land or Tenement doth pass as well as by Deed, and that by force of the Libery of Seisin. It was agreed in Gray's-Inn by Master Snagge, at his Reading there in Summer, Anno 1574. That if a Feoffor deliver the Deed in View of the Land, in Name of Seisin, that is good, because he hath a Possession in himself. But otherwise it is of an Attorney, for he must go to the Land and take Possession himself, before he can give Possession to another, according to the Words

il est seale, le partie que est a departer ove le Terre prist le Fait en sa maines ovesque un Clod del terre, & un Twigge ou Bough, si y ad ascun la, que il deliver al auter partie en le nosme de Possession ou seisin, accordant al forme & effect del Fait la lie ou declare. Mes sil soit un Habitation ou Edifice sur le Terre, donques ceo est fait al Door del ceo, nul esleant relinquis a cest temps deins le Meason; & le partie deliver tous les avant-dits, ovesque l'Anule de le Door, en nosme de Seisin ou Possession; & il que receive le Liverie entra primes sole, & shutta le door, & presentment overt ceo, lessa eux eins, &c. Sil soit de un Meason a que est nul Terre, le Liverie est fait & Possession prise per le deliverie del Annuel de le Door & Fait solement. Et lou il est sans Fait, de Terres ou Tenements, la le partie declare per Parol, devant tesmoignes, l'Estate ovesque il sentende de departer, & donques deliver Seisin ou Possession en manner avantdit: Et issint le Terre ou Tenement passera cybien come per fait, & ceo per force de Liverie de Seisin. Il fuit agree en Gray's-Inn per Master Snagge, al son Lecture la en Summer, Anno 1574. Que si un Feoffor deliver la Fait en view del Terre en nosme de Seisin, que il est bone, pur ceo que il ad un Possession en luy mesme. Mes auterment est dun Attorney, car il doit aler al Terre, & prise Possession luy mesme, devant que il poit doner Possession al auter, accordant al parols de

de son Garrant, &c. Et lou Liverie de Seisin est per le View, si le Feoffee entra pas puis, &c. nul chose passa, car il doit enter en fait.

of his Warrant, &c. And where Liverie of Seisin is by View, if the Feoffee do not enter after, &c. nothing passes, for he ought to enter in Deed.

Local.

Local en un legal sensé signifie aucun chose annex ou fix al Frank-tenement. Mes un Action de Trespasse pur Battery est transitory, & nient local, & pur ceo le lieu ne doit estre nosme ou mention en le declaration, nec est traversable si soit.

Local, in a legal Sense signifies any thing annexed or fixed to the Freehold. But an Action of Trespasse for Battery, is transitory, and not local, and therefore the Place need not be mentioned or set down in the Declaration, nor is it traversable if it be.

Lollards.

Lollards fueront Dogmatists en Religion en le temps E. 3. & H. 5. & en ceux temps fueront reputes Heretiques: come appiert per le Stat. en 5 R. 2. cap. 5. & 2 H. 5. cap. 7. Queux Stat. vous troveres repealed en 1 E. 6. c. 12. & 1 El. cap. 1. Ils avoient leur denomination (come aucuns pensoent) del un Gualt. Lollhard un Germanois, qui vixit circa An. Dom. 1315. & fuit le prime author de cest Sect.

Lollards were Dogmatists in Religion in the Times of E. 3. and H. 5. and in those Times were reputed Hereticks; as appears by the Statutes in 5 R. 2. cap. 5. and 2 H. 5. cap. 7. Which Statutes you shall find repealed in 1 E. 6. cap. 12. and 1 El. cap. 1. They had their name (as some think) from one Gualter Lollhard a German, who lived about the Year 1315. and was the first Author of this Sect.

Seignior en Grosse.

Seign. en Grosse est il que est Seignior sans Mannor, come le Roy en respect de son Corone. F. N. B. fol. 5. Un home fait Done en taile de tout son Terre, a tener de luy, & morust; son Heire nad rien forsque Seignorie en Grosse.

Lord in Gros.

Lord in Gros is he who is Lord without a Manor, as the King in respect of his Crown. Fitz. Nat. Brev. fol. 5. A Man makes a Gift in Tail of all his Land, to hold of him, and dies; his Heir hath nothing but a Seignory in Gros.

Lotharwit.

Lotherwit est, quod capiatis amendas ab ipso qui corrumpit vestram Nativam sine licencia vestra.

Lotharwit.

Lotherwit is, that you may take Amends of him who doth defile your Bondwoman without your Licence.

Lushburg.

Lushburg.

Lushburg was a counterfeit Coin in the Time of Edw. 3. made beyond Seas, in likeness of English Moneys, and brought in to deceive the King and his Subjects. And therefore it is declared to be Treason by the Stat. of 25 E. 3. Stat. 5. cap. 2. for any Man to bring it into the Realm, knowing it to be false.

Lushborow.

Lushborow fuit un counterfeit Coine en le temps E. 3. fait ouster le Mer, en similitude de deniers Anglois, & port eins pur deceiver le Roy & ses Subjects. Et pur ceo est declare destre Treason per le Statute 25 E. 3. Stat. 5. c. 2. pur ascun home de ceo porter deins le Realme, sil scavoit que est faux.

M.

Mægbote.

Mægbote was a Recom-pence for a Kinsman slain.

Macegriefs.

Macegriefs or Macegrefs are such as willingly buy and sell stolen Flesh, knowing the same to be stolen. Brit. cap. 29. Crompt. Just. 193. 2.

Maeremium.

Maeremium is derived from the old Norman word *Marisme*, which signifies Timber.

Magna Assisa eligenda.

This is a Writ directed to the Sheriff to summon four lawful Knights before the Justices of Assise upon their Oaths, to choose twelve Knights of the Vicinage, &c. to pass upon the great Assise between the Plaintiff and Defendant. Reg. Orig. fol. 8.

M.

Mægbote.

Mægbote Compensatio pro Cognato interfecto.

Macegriefs.

Macegriefs ou Macegrefs sont ceux que voluntariment emont & vendont carne emble scient ceo de estre emble. Brit. cap. 29. Crompt. Just. 193. 2.

Maeremium.

Maeremium est derive del veill Norman parol *Marisme*, que signifie Timber.

Magna Assisa eligenda.

Ceo est un Brief direct al Vicount a summoner 4 loyal Chivaliers devant le Justices del Assise de electer 12 Chivaliers del Vicinage, &c. a passer sur le grand Assise enter le Pl. & Def. Reg. Orig. fol. 8.

Maihem ou Maim.

M*aihem* est, lou de l'tortious aſt de auter aſcun Member eſt dāmnifié ou tolle, per que le partie eſt fait imperfect a combate: Come ſi un Oſſe ſoit priſe hors del Teſt, ou un debruiſe en aſcun auter part del Corps, ou un Pee, ou Maine, ou Digit, ou joynt de un Pee, ou aſc' Member ſoir ſcy; ou per aſc' plage les Nerves ſont fait de ſhrinker, ou les Digits fait curve; ou ſi un Oyel ſoit miſe hors, anterior Dents debruiſe, ou aſc' auter choſe en le Corps dun home; per reaſon de quel il eſt fait le meins able pur defender luy meſme, ou offend ſon enemy.

Mes le ſcier de un Oriell ou Naſe; ou lenfriender del Dents moliers, ou tiels ſemblables, neſt aſc' *Maihem*, pur ceo que il eſt plus un Deformitie de le corps que un defect del Strength; & ceo eſt communement try per l'infpection del partie per les Juſtices. Et ſi les Juſtices ſont en doubt ſi le damage ſoit un *Maihem* ou nemy, ils uſe & voilent de leur grand diſcretion prendre aide & opinion de aſcun credite Surgeon, pur conſider de ceo, devant que ils determine ſur le Caſe.

Mainpernable.

M*ainpernable*: que poit eſtre mainpriſe ou delivered al *Mainpernors*. Veies le Statute de *Westm.* 1. cap. 15. queux perſons ſont mainpernable, queux nemy.

Maihem or Maim.

M*aihem* or *Maim* is, where by the wrongful Act of another any Member is hurt or taken away, whereby the Party is made imperfect to Fight: As if a Bone be taken out of the Hand, or broken in any other part of the Body, or Foot, or Head, or Finger, or Joynt of a Foot; or any Member be cut; or by some Wound the Sinewes be made to shrink, or the Fingers made crooked; or if an Eye be put out, Forseteeth broken, or any other Thing hurt in a Man's Body; by means whereof he is made the less able to defend himself, or offend his Enemy.

But the Cutting of an Ear or Nose, or breaking of the hinder Teeth, or such like, is no *Maihem*, because it is rather a Deformity of Body than diminishing of Strength; and that is commonly tryed by the Juſtices beholding the Party. And if the Juſtices ſtand in doubt whether the Hurt be a *Maihem* or not, they uſe and will of their own Diſcretion take the Help and Opinion of ſome ſkilful Chirurgeon, to conſider thereof, before they determine upon the Caſe.

Mainpernable.

M*ainpernable*: That may be mainpriſed or delivered to *Mainpernors*. See the Statute of *Westm.* 1. Cap. 15. what perſons may be mainpernable, what not.

Mainpriſe.

Mainprise.

Mainprise is, when a Man is arrested by Capias, the Judge may deliver his Body to certain Men to keep, and to bring before him at a certain Day; and these are called Mainpernors: And if the Party appear not at the Day assigned, the Mainpernors shall be amerced.

Mainprise.

Mainprise est, quand un home est arrest per Capias, les Judges poient deliver son corps a certain homes pur garder, & de luy mesner devant eux a certain jour; & eux sont appellees Mainpernors: Et si le partie ne appear al jour assigne, le Mainpernors serront amerce.

Maintenance.

Maintenance is, where any Man gives or delivers to another, that is Plaintiff or Defendant in any Action, any Sum of Money or other Thing, to maintain his Plea, or takes great Pains for him when he hath Nothing therewith to do; then the Party grieved shall have against him a Writ called a Writ of Maintenance.

Maintenance.

Maintenance est, lou ascun home done ou deliver a un auter, que est Plaintife ou Defendant en ascun Action, ascun somme d'argent ou auter chose pur maintenir son Plee, ou fait extreme labour pur luy quand il nad riens a ceo faire; donques le auter partie grieve avera vers luy un Brief appelle Brief de Maintenance.

Maletolt.

Maletolt, or Malum aut indebitum Telonium; is an unjust Tax upon Wool. See Stat. 25 E. 1. cap. 7.

Maletolt.

Maletolt, ou malum aut indebitum Telonium, est un unjust Tax sur lane, veies Stat. 25 E. 1. cap. 7.

Manbote.

Manbote signifies a Pecuniary Compensation for the killing a Man. Lambard.

Manbote.

Manbote signifie un Pecuniarie compensation pur le occider de un home. Lambard.

Mandamus.

Mandamus is a Writ that goes to the Escheator for the finding of an Office after the Death of one that died the King's Tenant; and it is all one with the Writ of Diem clausit extremum, but that the Diem clausit extremum goes out with in the Year after the Death, and

Mandamus.

Mandamus est un Brief que issuit al Escheator pur le trover de un Office apres le mort d'un que morust Tenant le Roy; & est tout un ove le Brief de Diem clausit extremum, si non que le Brief de Diem clausit extremum issuit deins le an apres le mort, &

le *Mandamus* ne issuit tanque apres le an, & en case lou ne fuit ascun *Diem clausit extremum* sue hors, ou al meins nient sue cum effectu. *Fitz. N. B. fol. 253. B. C. Veies le Stat. 12 Car. 2. cap. 24.*

Sont auxi auter sort de *Mandamus*, grant sur motion en Banc le Roy, un al Evesque de admit *Executor* a prover un Testament, ou a granter Administration. *Style's Rep. 78.* Et un auter a maunder al Corporations a restituer Aldermen, & auters, al Offices hors de queux ils sont illoyalment expel. *Veies 11 Rep. James Bag's Case.*

Mandate.

Mandate est un Command del Roy ou son Justices de aver un chose fait pur le expediter de Justice, quel poies veier en le Table del *Regist. Judic.*

Mannor.

Manor est compound de divers choses, come de un Meason, Terre arable, Pasture, Pree, Boys, Rents, Advowson, Court-Baron, & tiels semblables, queux font un *Manor*. Et ceo doit estre per antient continuance de temps, cujus contrarium memoria hominum non existit: Car a ceo jour un *Mannor* ne poit estre fait, pur ceo que un Court-Baron ne poit estre fait ore, & un *Mannor* ne poit estre sans un Court-Baron, & Suiters ou Franktenants, deux al meins; car si tous les Franktenements forsque un escheat al Seignior, ou sil purchase tous preter un, la son *Mannor* est ale, pur ceo que il ne poit

the *Mandamus* goes not out 'till after the Year, and in Case where there was never any *Diem clausit extremum* sued out, or was not sued out with Effect. *Fitz. N. B. 243. B. C. See the Stat. 12 Car. 2. c. 24.*

Also there is another Sort of *Mandamus* granted upon Motion in the King's Bench, one to the Bishop to admit the Executor to prove a Will, or to grant Administration. *Style's Reports, 78.* Another to command Corporations to restore Aldermen, and others, to Offices out of which they are unjustly put. Look 11 Rep. James Bag's Case.

Mandate.

Mandate is a Command of the King or his Justices to have any Thing done for the Dispatch of Justice, which you may see in the Table of the *Regist. Judic.*

Manor.

Manor is compounded of divers Things; as of a House, Arable Land, Pasture, Meadow, Wood, Rent, Advowson, Court-Baron, and such like; which make a Manor. And this ought to be by long Continuance of Time, the contrary whereof Man's Memory cannot discern: For at this Day a Manor cannot be made, because a Court-Baron cannot now be made, and a Manor cannot be without a Court-Baron, and Suiters and Freeholders, two at the least; for if all the Freeholds except one escheat to the Lord, or if he purchase all except one, there his Manor is gone, for that

it cannot be a Manor without a Court-Baron (as is aforesaid;) and a Court-Baron cannot be holden but before Suiters, and not before one Suiter; and therefore where but one Freehold or Freeholder is, there cannot be a Manor properly, although in common Speech it may be so called.

Mansion.

Mansion (*Mansio*) is most commonly taken for the chief Messuage or Habitation of the Lord of a Manor, the Manor-house where he doth most reside, his Capital Messuage, as it is called; of which the Wile by the Statute of Mag. Chart. cap. 7. shall have her Quarentine.

Manslaughter.

Manslaughter is the unlawful killing of a Man without Malice prepensed; as when two meet, and suddainly falling out, the one kills the other. *West. part 2. Symbol. Tit. Indictments, Sect. 44.* And differs from Murder, because it is not done with foregoing Malice; and from Chance-medley, because it has a present Intent to kill. This is Felony, but admits of Clergy for the first time. *Staundf. Pl. Cor. lib. 1. cap. 2. & Brit. cap. 9.*

Manuceptio.

Manuceptio is a Writ that lies for him who is arrested or indicted of Felony, and offers sufficient Sureties for his Appearance; but the Sheriff, or he whom it concerns, will not suffer him to be bailed: When he shall have this Writ, to com-

estre un *Mannor* sans un Court-Baron, (come avant dit;) & un Court-Baron ne poit estre tenu mes devant Suiters, & nemy devant un Suiter; & ideo lou forsque un Frank-tenement ou Frank-tenant est, la ne poit estre *Mannor* properment, coment en common parlant ceo poit estre issint appel.

Mansion.

Mansion (*Mansio*) est plus usuellement prise pur le chief Messuage ou Habitation del Seignior d'un Mannor, le Mease del Mannor en que il plustost reside, Capitale Messuagium, come est appel; de que le feme per le Statute de *Mag. Chart. cap. 7.* avera sa Quarentine.

Manslaughter.

Manslaughter est le illegal tuer de un home sans malice prepense; come quand deux occur & suddainment affraiant le un tue le auter, *West. part 2. Symbol Tit. Indictments, Sect. 44.* Et differt de Murder pur ceo que ne est fait ove malice prepense; & de Chance-medley pur ceo que avoit un present intent de tuer. Ceo est Felony, mes admit de Clergy pur le primer temps. *Staundf. Pl. Cor. lib. 1. cap. 9. & Brit. cap. 9.*

Manuceptio.

Manuceptio est un Brief que gist pur cestuy que est arrest ou indite de Felonie, & offer sufficient Sureties pur son Appearance; mes le Viscount, ou cestuy que concerne, ne voit luy admit destre baile: Donque il avera cest

Brief, eux mandant de luy leſſer a Mainpriſe. Veies de ceo Fitz. N. B fol. 249. G.

mand them to ſuffer him to be bailed. See of this Fitz. N. B. fol. 249. G.

Manumiſſion.

Manumiſſion eſt le feſans de un Villein deſtre franke, & puit eſtre en deux ſorts; le un eſt un Manumiſſion explicita, l'auter un Manumiſſion implicita.

Manumiſſio Explicita eſt quand le Seignior fait un Fait al ſon Villein pur luy enfranchiſer per ceſt parol (*Manumittere*), quod idem eſt quod extra manum vel extra poteſtatem alterius ponere.

Le manner de Manumitting ou Enfranchiſing en temps paſſe plus uſualment fuit iſſint. Le Seignior (en preſence des ſes vicines) priſt le Villeine per le Teſt, diſant, *Je voile que ceſt home ſoit franke*; & ove ceo il luy miſe avant hors de ſes maines, & per ceo il fuit franke.

Manumiſſio Implicita ſans ceſt parol (*manumittere*) eſt, quand le Seignior fait un Obligation a ſon Villein a payer a luy money, al un certaine jour, ou luy ſue lou il poit enter ſans Suit, ou grant luy un Annuitie, ou leſſa Terre a luy per Fait pur ans, ou vie, & en divers ſemblables caſes; le Villein per ceo eſt fait franke.

Marchers.

MArchers ſont les Noble-homes inhabitants ſur les Marches de Gales & Eſcoſe, que en temps devant avoient lour private Leys, ſicome fuiſſent Roys; & pur ceo en Statutes de 2 H. 4. c. 28. 26 H. 8. c. 6. 27 H. 8. c. 26. &

Manumiſſion.

Manumiſſion is the making a Bond-man free, and may be in two Sorts; the one is a Manumiſſion expreſſed, the other a Manumiſſion implied.

Manumiſſion expreſſed is, where the Lord makes a Deed to his Villain to infranchiſe him by this Word (*Manumittere*) which is as much as to ſay, as to let one go out of another Man's Hands or Power.

The Manner of Manumitting or Infranchiſing in old Time, moſt uſually was thus. The Lord (in Preſence of his Neighbours) took the Bond-Man by the Head, ſaying, I will that this Man be free; and therewith ſhoved him forward out of his Hand, and by this he was free.

Manumiſſion implied without this Word (*Manumittere*) is, when the Lord makes an Obligation to his Villain to pay him Money at a certain Day, or ſues him where he might enter without Suit, or grants him an Annuity, or leaſes Lands to him by Deed for Years, or Life, and in divers like Caſes the Villain thereby is made free.

Marchers.

MArchers are the Noblemen dwelling on the Marches of Wales or Scotland, who in Times paſt had their private Laws, as if they had been Kings; and therefore in the Statutes of 2 H. 4. c. 28. 26 H. 8. cap. 6. 27 H. 8. cap. 26. an

and 1 E. 6. cap. 10. they are called Lord Marchers.

1 E. 6. c. 10. ils sont appels Seigniors Marchers.

Marches.

Marches are the Bounds and Limits betwixt us and Wales or Scotland, so called either from the German Word (March) which signifies a Frontier or Border; or else from the French Word (Marque) that is, a Sign or Token of Distinction, these being the notorious Distinctions of two divers Countries. Of these you shall read in the Statutes of 4 H. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. and others.

Marches.

Marches sont les Limits entre nous & Gales ou Escosse, issint appels ou del parol Germanois (March) que signifie Limitem, ou del parol Francois (Marque) cest ascavoire, un Signe del distinction, ceux esteants le notorious Distinctions de deux divers Regions. De ceux poies lier en les Statutes de 4 Hen. 5. cap. 7. 22 E. 4. cap. 8. 24 H. 8. cap. 9. & auters.

Marchet.

Marchet is a customary Fine to marry his Daughter. And Co. Lit. fo. 140. says it is called Marchet, as it were a Chete or Fine for Marriage.

Marchet.

Marchet est un customary fine pur liberty de marrier sa File. Et Co. Lit. fol. 140. dit que est appel Marchet, come un Chete ou Fine pur Marriage.

Marshal.

Marshal is a general Word for many Officers in England: As the Lord or Earl Marshal, of whom Mention is made in the Statutes of 13 R. 2. cap. 2. and 1 H. 4. c. 7. & 14. the Marshal of the King's House, of whom you may read F. N. B. f. 241. B. and in the Statute of Artic. sup. Chart. c. 3. 18 E. 3. c. 7. 2 H. 4. c. 23. 15 H. 6. c. 1. and others. There are also other inferior Marshals mentioned in our Books; as the Marshal of the King's Bench in the Statute of 5 E. 3. c. 8. and F. N. B. f. 251. I. who hath the Custody of all the Prisoners of that Court; and the Marshal of the Exchequer, mentioned in the Statute of 51 H. 3. Stat. 5. called the Statute of the Exche-

Marshall.

Marshall est un general parol pur mults Officers en Angleterre: Come le Seignior, ou Count Marshall, de quel mention est fait en les Statutes de 13 R. 2. c. 2. & 1 H. 4. c. 7. & 14. le Marshall del Hostel le Roy, de que poies lier en F. N. B. f. 241. B. & en le Stat. de Artic. sup. Chart. c. 23. 18 E. 3. c. 7. 2 H. 4. c. 3. 15 H. 6. c. 1. & auters. Sont auxy auters inferior Marshalls mention en nostre Livres; come le Marshall de Banke le Roy, en le Statute 5 E. 3. c. 8. & en F. N. B. f. 251. I. que avoit le custodie des tous les prisoners de ceo Court; & le Marshall del Exchequer, mention en le Statute de 51 H. 3. Stat. 5.

Stat. 5, appel le Statute de Eschequer. *Marshall* est un parol Francois, & est tant a dire come *Magister equitum*; Car semble que venust del parol Germanois (*Marschalk*) que ad ceo signification.

Marshalsea.

M*arshalsea* est le Court ou seat del Marshall del Hostel le Roy, de que poies lier a large en *Coke*, l. 6. f. 20. B. & l. 10. f. 68. B. Est auxy prise pur le Prison pertinent al Court del Bank le Roy, de que le Marshal de ceo Court est le Gardian: Car issint sont les formes des Bills la, que A. queritur de B. in custodia Marescalli Marescalcie Domini Regis, &c.

Maugre.

M*augre* est un parol compound des deux parols Francois (*Mal*) & (*Gree*): Issint que est tant adire come invito animo, ou en despight d'un auter. Et issint est use en *Littleton*, sect. 672. Iou est dit, que le Baron & Feme seront remits *maugre* le Baron, cestascavoire en despight ou encounrer le volunt le Baron.

Maximes.

M*aximes* sont les Foundations del Ley, & les Conclusions de Reason, & sont Causes efficient, & certeine universal Propositions cy sure & perfect, que ils ne poient estre a ascun temps impeach ou impugne, mes doivent tous foirs estre observe, & tenus come fort Principles & Authorities de luy mesmes, nient

quer. *Marshal* is a French Word, and is as much as to say, Master of the Horse; for it seems to come of the German (*Marschalk*) which hath that Signification.

Marshalsea.

M*arshalsea* is the Court or Seat of the Marshal of the King's House, of which you may read at large in *Coke*, l. 6. 20. B. & l. 10. f. 68. B. It is also taken for the Prison belonging to the Court of the King's Bench, of which the Marshal of that Court is the Keeper: For so are the Forms of the Bills there, that A. complains of B. in the Custody of the Marshal of the Marshalsea of our Lord the King, &c.

Maugre.

M*augre* is a Word compounded of two French Words (*Mal*) and (*Gree*;) so that it is as much as to say, with an unwilling Mind, or in Despight of another. And so it is used in *Littleton*, sect. 672. where it is said, that the Husband and Wife shall be remitted *maugre* the Husband, that is in Despight or against the Will of the Husband.

Maximes.

M*aximes* are the Foundations of the Law, and the Conclusions of Reason, and are Causes efficient, and certain universal Propositions so sure and perfect, that they may not be at any time impeached or impugned, but ought always to be observed, and holden as strong Principles and Authorities of themselves, although they cannot be proved

by Force of Argument or Demonstrations Logical, but are known by Induction by the way of Sense and Memory. For Example, it is a Maxim, that if a Man have Issue two Sons by divers Women, and the one purchases Lands in Fee, and dies without Issue, the other shall never be his Heir, &c.

And it is another Maxime, that Lands shall descend from the Father to the Son, but not from the Son to the Father, for that is an Ascension, &c. And divers such there are, whereof see Doctor and Student.

Maynour.

Maynour is, when a Thief hath stolen, and is followed with Hue and Cry, and taken, having that sound about him which he stole, that is called Maynour. And so we commonly use to say, when we find one doing of an unlawful Act, that we took him with the Maynour or Manner.

Meane.

MEane. See Mesne.

Mease.

MEase or Messuage seems to come from the French Word Maison or Mansion, which is no other but a Place of Abiding or Habitation. And yet Messuage in our Law contains more than the very Place of Habitation: For a House and a Messuage differ, in that a House cannot be intended other than the Matter of Building; but a Messuage shall be said all the Mansion.

obstant ils ne poient estre prove per force d'Argument ou Demonstration Logical, mes sont conus per Induction per le voy de Sense & Memorie. Pur example, il est un *Maxime*, que Si *homo* ad issue deux Fils per divers venters, & l'un purchase Terres en fee, & morust sans issue, le auter ne unques serra son Heir, &c.

Item il est un auter *Maxime*, que Terres descendra del Pere al Fils, mes nemy del Fils al Pere, car ceo est un Ascension, &c. Et divers tiels semblables il y ad, dont veies le Doctor & Student.

Maynour.

Maynour est, quand un Laron ad emblee, & est pursue ove Hue & Crie, & prise, ayant ceo trove ovesque luy que il ad emblee, ceo est appelle *Maynour*. Et issint nous communement use pur dire, quand nous trovomus un fefant de un illoyal Act, que nous luy prist ovesque le *Maynour* ou manner.

Meane.

MEane. Veies Mesne.

Mease.

MEase (*Messuagium*) semble de vener del parol Francois Maison ou Mansion, que nest auter forsque un Lieu de abider ou Habitation. Et uncore *Messuage* en nostre Ley comprehend plus que le verie Lieu del Habitation: Car *Domus* & *Messuagium* differ en ceo que *Domus* ne poit estre intend auter que les choses en Building; mes *Messuagium* ser-

ra dit tout le Mansion-lieu, & le Curtelage sera prise come parcel de un Messuage, 20 H. 7. Kelleway, f. 57. a. Et per le nosme de un Messuage le Garden & le Curtelage passera. Plowden, f. 171. a.

Place, and the Curtelage shall be taken as Parcel of the Messuage, 20 H. 7. Kelleway, fol. 57. a. And by the Name of a Messuage, the Garden and Curtelage shall pass. Plowden, fol. 171. a.

Measondieu.

M easondieu est un appellation done as divers Hospitals en cest Realme, que issint sont appel, An 2 & 3 P. & M. c. 23. & 15 Car. 2. c. 7. Et venust de Francois (Maison de Dieu) & nest plus que *Domus Dei* ou God's House en Anglois.

Measondieu.

M easondieu is an Appellation of divers Hospitals in this Kingdom, which are so named, Anno 2 & 3 P. & M. cap. 23. & 15 Car. 2. c. 7. And it comes of the French (Maison de Dieu) and is no more but God's House in English.

Medietas Linguae.

M edietas Linguae est un Inquest impannell sur ascun cause, de que l'un moietie est des Denizens, le auter Aliens; & est use en Plees enter parties, dont l'un est un Denizen, & auter un Alien. Et cest manner de Trial fuit prlmes done per le Stat. de 27 E. 3. Stat. 2. cap. 8. Et per le Statute de 28 E. 3. cap. 13. fuit graunt en cases lou le Roy meisme fuit partie ove un Alien.

Medietas Linguae.

M edietas Linguae is an Inquest impannell'd upon any Cause, whereof the one Half is of Denizens, the other Strangers; and it is used in Pleas between Parties, whereof one is a Denizen, and the other a Stranger. And this Manner of Trial was first given by the Statute of 27 E. 3. Stat. 2. cap. 8. And by the Statute of 28 E. 3. c. 13. it was granted in Cases where the King himself was Party with an Alien.

Melius inquirendo.

M elius inquirendo est un Brief que est direct al Escheator pur un second Inquisition destre fait, quand est ascun suspicion del partialite en un Inquisition fait sur un *Diem clausit extremum* apres le mort le Tenant le Roy. Veies F. N. B. fol. 255. C.

Melius inquirendo.

M elius Inquirendo is a Writ directed to the Escheator for a second Inquiry to be made, when there is any Doubt of Partiality in an Inquiry made upon a *Diem clausit extremum* after the Death of the King's Tenant. See F. N. B. f. 255. C.

Menials.

Menials are those Serbants which live within their Masters Walls of his House. See the Statute of 2 H. 4. 21.

Menials.

Menials sont ceux Servants que vivent deins les Meurs del Meason de lour Seigneurs. Veies le Stat. 2 H. 4. 21.

Merchenlage.

Merchenlage is one of those three Laws out of which William the Conqueroz framed our Common Laws with a mixture of the Laws of Normandy. And it was the Law of the Mercians, when they had the Government of the third Part of this Realm.

Merchenlage.

Merchenlage est un de ceux trois Leys hors de queux *Gulielme* le Conqueror frame nostre Common Ley, ove le mixture des Leys de *Normandie*. Et fult le Ley des *Merciens*, quand ils avoient le regiment del tierce part de cest Realme.

Mesnalty.

Mesnalty is the Right of the Mesne, as the Mesnalty is extinct. Old Nat. Br. f. 44.

Mesnalty.

Mesnaltie est le droit de Mesne; come le *Mesnaltie* est extinct. *Veil. N. B. f. 44.*

Mesne.

Mesne is, where the Owner of Lands or Tenements holds of one by certain Services, and he holds them of another by like or other Services; then he who holds the Lands is called Tenant paravail, and he of whom it is held is called Mesne, and he of whom the Mesne holds is called chief Lord, or Lord Paramount. And in this Case, if the Lord above distrains the Tenant for the Service of the Mesne, who ought to acquit him to the chief Lord, then the Tenant shall have a Writ of Mesne, so called, against the Mesne; and if he acquit not the Tenant, then the Mesne shall lose the Service of the Tenant, and shall be forejudged of his Seigniorie, and the Tenant shall be immediate Tenant to the chief Lord, and shall do him the same

Mesne.

Mesne est, lou l'Owner del Terres ou Tenements ceux teigne d'un per certaine Services, & il ceux tenoit dun autre per autiels ou autre Services; la cestuy que tient les Terres est appel *Tenant paravail*, & cestuy de que il teigne est appel *Mesne*, & cestuy de que le Mesne tenoit est appel *Seignior Paramount*. Et en cest case, si le *Seignior Paramount* distraigne le Tenant pur le Service le *Mesne*, que luy doit acquite al *Seignior paramount*, donques le Tenant avera un Brief vers le *Mesne*, que est appel *Brief de Mesne*; & si il ne acquite le Tenant donques le *Mesne* perdra le Service le Tenant, & serra forejudge de son Seigniorie, & le Tenant serra Tenant immediate al chiefe *Seignior*, & ferra luy mesmes

les Services & Suits come le
Mesne fist.

SerVICES and Suits as the
Mesne did.

Messuage.

Messuage. Veies Mease.

Messuage.

Messuage. See Mease.

Metropolitane.

Metropolitane signifie les
Archieuesques, de^{quel}queux
Canterburie, est nosme totius
Angliæ Primas & Metropol.
Et York semble sans le parol,
Totius.

Metropolitan.

Metropolitan signifies the
Archbishops, of whom
Canterbury is styled, Totius An-
gliæ Primas & Metropol. And
York the like Title, without the
Word Totius.

Misadventure.

Misadventure est le tuer de
un home per negligence
ou accident, come per negli-
gent jetter de ascun chose per
que il occide un auter. Et
ceo ne est Felony, mes il per-
dra ses Biens, & avera son
Pardon durant son vie.

Misadventure.

Misadventure is the killing of
a Man by Negligence or
Accident, as by the careless
throwing of any Thing whereby
he killeth another. And this is
not Felony, but he shall lose his
Goods, and shall have his Par-
don for his Life.

Miscreant.

Miscreant est un que est per-
vert al Heresie ou faux
Religion. Bro. Presentation,
54.

Miscreant.

Miscreant is one who is per-
verted to Heresie, or a
false Religion. Bro. Presenta-
tion, 54.

Mise.

Mise est un parol Francois,
& signifie tant come Ex-
pensum en Latins; & issint est
frequentment use en les En-
tries des Judgments en Per-
sonal Actions: Quand le
Plaintiff recover, le Entrie est,
quod Recuperet Damna sua a
tiel value, & tant pro misis &
custagiis, La est auxy un auter
accepter ou signification de
cest parol en Ley, lou est
prise pur le Issue de estre trie
per Bataille ou Grand Assise.
Et issint est use en Littleton,
sect. 478, 482. & divers au-
ters, lou joinder del Mise sur le

Mise.

Mise is a French Word, and
signifies as much as Ex-
pensum in Latin; and it is so
ordinarily used in the Entries
of Judgments in Personal
Actions: When the Plaintiff
recovers, the Entry is, that
Recuperet Damna sua to such a
Value, and pro misis & custo-
giis for Costs and Charges, so
much. There is also another
Acception or Signification of
this Word in the Law, where it
is taken for the Issue to be tried
by Battail or Grand Assise. And
so it is used in Littleton, sect.
478, 482. and divers others,
where

where joining of the Mife upon the meer Right is putting it in Issue, who hath the best oꝝ clearest Right.

Misericordia.

Misericordia is used in the Common Law foꝝ an Amerciament oꝝ Mulct set upon any foꝝ an Offence, as where the Plaintiff oꝝ Defendant in any Action are amerced, the Entry is always, *Ideo in Misericordia*, &c. And it is therefore called *Misericordia*, as Fitzh. says, N. B. fol. 75. H. foꝝ that it should be but small and less than the fault, and saving his Contenement, as the Statute of Magna Charta, cap. 14. speaks. And therefore if a Man be outrageously amerced in a Court not of Record, as in a Court-Baron, &c. there is a Writ called *Moderata Misericordia* to be directed to the Lord oꝝ his Bailly, commanding them that they take moderate Amerciaments according to the Quantity of the fault. And of that see Fitzh. N. B. fol. 75. A. and *Moderata Misericordia* after.

Misnomer.

Misnomer is the Mistake of a Name, oꝝ the using of one Name foꝝ another. See Broke, Tit. *Misnomer*.

Misprision.

Misprision is, when one knows that another hath committed Treason oꝝ Felony, and will not discover him to the King oꝝ his Council, oꝝ to any Magistrate, but conceals the same. Divers other Offences are called *Misprision*: As when a Chaplain had fired an old Seal of a

mere droit est mitter ceo en issue, que avoit le melieur ou plus clere droit.

Misericordia.

Misericordia est use en le Common Ley pur un Amerciament ou Peine mise sur ascun pur un Offence; come lou le Plantiff ou Defendant en ascun Action est amerce, le Entrie est tous foits, *Ideo in misericordia*, &c. Et est pur ceo appel *Misericordia*, come Fitzh. dit N. B. fol. 75. H. eo que doit estre forsque petite & meins que le offence, & salvo Contenemento, come le Statute de Mag. Chart. cap. 14. parle. Et pur ceo si home soit outrageously amerce en un Court que est de Record, come en Court-Baron, &c. la est un Brief appel *Moderata Misericordia* destre direct al Seignior ou Bailly, eux commandant que ils prenderont moderates Amerciaments selonque le quantitie del trespass. Et de ceo veies Fitz. N. B. fol. 75. A. & *Moderata Misericordia* apres.

Misnomer.

Misnomer est le Mistake de un Nome, ou le using de un Nome pur un auter. Veies Broke, tit. *Misnomer*.

Misprision.

Misprision est, quand ascun sciet que un auter ad fait Treason ou Felonie, & il ne voile luy discover al Roy, ou son Council, ou a ascun Magistrate, mes conceala son offence. Divers auters Offences sont appelle *Misprision*: Sicome un Chaplein ad fixe un an-

ancien Seal de un Patent a un novel Patent de Non-residence, ceo fuit tenus destre *Misprison* de Treason tantum, & nul counterfeit del Seal del Roy. Issint est tenus en 37 H. 8. Bro. tit. Treason. 3. in fine. Mes 2 H. 4. fol. 25. A. est adjudge contra; & Staundf. Pl. cor. fol. 3. B. cite ceo pur Treason; & issint est tenus a cest jour.

Item si un auter sciet Money destre faux, & port ceo hors de Ireland en Angleterre, & utter ceo en payment, ceo est forsque *Misprison* de Treason, & nemy Treason; & issint est en divers semblables Cases.

En tous cases de *Misprison* de Treason, le partie offender forfeitera ses Biens a tous jours, & les profits de ses Terres pur son vie, & son Corps al prison al pleasure del Roy.

Et pur *Misprison* de Felonie ou Trespasse, le Offendor serra commit al Prison, tanque il ad trove Sureties ou Pledges pur son Fine, que serra assesse per le discretion de les Justices devant que il fuit convict.

Et nota, Que en chescun Treason ou Felonie est incluse *Misprison*; & lou ascun ad fait Treason ou Felonie, le Roy poit causer luy destre endicte & arraigne forsque de *Misprison* solement, si il voile. Vide plus de ceo Staundf. lib. 1. cap. 39.

Mittimus.

Mittimus est un Brief per que Records sont transferre del un Court al auter; ascun foits immediatement,

Patent to a new Patent of Non-residence; this was held to be *Misprison* of Treason only, and no Counterfeiting of the King's Seal. So it is holden in 37 H. 8. Bro. tit. Treason 3. in Fine: But 2 H. 4. f. 25. A. it is adjudged contrary; and Staundf. Pl. cor. fol. 3. B. cites it for Treason; and so it is holden at this Day.

And if a Man know Money to be counterfeit, and bring the same from out of Ireland hither, and utter it in Payment, yet this is but *Misprison* of Treason, and no Treason: And so it is in divers like Cases.

In all Cases of *Misprison* of Treason, the Party Offendor shall forfeit his Goods for ever, and the Profits of his Lands for his Life, and his Body to Prison at the King's Pleasure.

And for *Misprison* of Felony or Trespass, the Offendor shall be committed to Prison, until he have found Sureties or Pledges for his Fine, which shall be assessed by the Discretion of the Justices before whom he was convict.

And Note, That in every Treason or Felony is included *Misprison*; and where any Man hath committed Treason or Felony, the King may cause him to be indicted and arraigned of *Misprison* only, if he will. See more hereof. Staundf. lib. 1. cap. 39.

Mittimus.

Mittimus is a Writ by which Records are transferred from one Court to another: Sometimes immediately, as

it appears in the Statute of 5 R. 2. cap. 15. as out of the King's Bench into the Exchequer; and sometimes by a *Certiorari* into the Chancery, and from thence by a *Mittimus* into another Court, as you may see in 28 H. 8. Dyer, fol. 29. a, b. & 29 H. 8. Dyer, fol. 32. a, b.

This Word is used also for the Precept that is directed by a Justice of Peace to a Gaoler for the receiving and safe keeping of a Felon, or other Offendour, committed by the said Justice to the Gaol.

Moderata Misericordia.

Moderata Misericordia is a Writ that lies where a Man is amerced in Court-Baron or County more than he ought to be; then he shall have this Writ directed to the Sheriff, if it be in the County, or to the Bailiff, if it be in Court-Baron, commanding them that they amerce him not but with regard to the Quantity of the Trespass: And if they obey not this Writ, then shall go forth against them a *Sicut alias*, and *Causam nobis significes*, and after that an Attachment.

Modus Decimandi.

Modus decimandi is, Money or other Thing of Value given annually in Lieu of Tithes: The Trial of which appertains to the Common Law, and not to any Court Christian. Ridley's View of the Civil Law, 141. In which he says, that in the Time of Will. I. There was one *modus decimandi pro omnibus rebus per totum regnum*.

come appiert en le Stat. 5 R. 2. cap. 15. come hors del Bank le Roy en le Exchequer; & ascun foits per un *Certiorari* en le Chancerie, & dillonques per un *Mittimus* en auter Court, come poies veier en 28 H. 8. Dyer, fol. 29. a, b. & 29 H. 8. Dyer, fol. 32. a, b.

Cest parol est auxy use pur le Precept que est direct per un Justice del Peate al Gaoler pur le receiver & sagement garder dun Felon, ou auter Offendour, commit per le dit Justice al Gaole.

Moderata Misericordia.

Moderata Misericordia est un Brief que gist lou home est amercie en Court-Baron ou Countie plus que devoit estre; donques il avera cest Brief direct al Viscount, si soit en le Countie, ou al Bailiffe, si soit en Court-Baron, eux commandant que ils ne luy amerciont mes ayent regard al quantitie del Trespasse; s'ils ne obey cel Brief donques issira vers eux un *Sicut alias*, & *Causam nobis significes*, & apres ceo un Attachment.

Modus decimandi.

Modus decimandi est, deniers ou auter chose de value done annualment en lieu de dismes: Le tryal de quel appertaine al common Ley, & nemy al ascun Court Christian. Ridley's View del Civil Ley, 141. En quel il dit que en le temps de William le primer la fuit un *modus decimandi per totum regnum pro omnibus rebus*.

Monstrans de Droit.

Monstrans de Droit est un Suit en le Chancery pur le Subject destre restore as Terres & Tenements queux il monstre destre son Droit, mes sont per Office troves destre en le possession de un que darreinment morust, per quel Office le Roy est enticle al un Chattel, Franktenement, ou Inheritance en les dits Terres. Et cest *Monstrance de Droit* est done per les Statutes de 34 E. 3. cap. 14. & 36 E. 3. cap. 13. Veies Coke, lib. 4. fol. 54. B. en le Case del Wardens & Communalcies des Sadlers.

Monstrans de Faits ou Records.

Monstrans de Faits ou Records est sicome, pur exemple, un Action de Det soit port envers A. sur un Obligation per B. ou per Executors, &c. Apres le Plaintife ad declare, il doit *monstre* son Obligation, & le Executor le Testament, al Court. Et issint est de Records.

Et le diversitie perenter *Monstrance de Faits ou Records*, & *Oyer de Faits ou Records*, est issint : Il que pleade le Fait ou Record, ou declare sur ceo, doit *monstre* ceo ; & lautre vers que tiel Fait ou Record est pleade ou declare, & est per ceo destre charge, poit demand *Oyer* de ceo Fait ou Record, que son adversarie port ou plead vers luy.

Monstraverunt.

Monstraverunt est un Brief que gift pur le Tenants en

Monstrans de Droit.

Monstrans de Droit is a Suit in Chancery for the Subject to be restored to Lands and Tenements which he shewes to be his Right, but are by Office found to be in the Possession of another that is lately dead, by which Office the King is intitled to a Chattel, Freehold, or Inheritance in the said Lands. And this *Monstrans de Droit* is given by the Statutes of 34 E. 3. cap. 14. and 36 E. 3. cap. 13. See Coke, lib. 4. fol. 54. B. in the Case of the Wardens and Commonalty of Sadlers.

Shewing of Deeds or Records.

Shewing of Deeds or Records is thus : An Action of Debt is brought against A. upon an Obligation by B. or by Executors, &c. After the Plaintiff hath declared, he ought to shew his Obligation, and the Executor the Testament, to the Court. And so it is of Records.

And the Diversity between Shewing of Deeds or Records, and Hearing of Deeds or Records, is this : He that pleads the Deed or Record, or declares upon it, ought to shew the same ; and the other against whom such Deed or Record is pleaded or declared, and is thereby to be charged, may demand Hearing of the same Deed or Record, which his Adversary brings or pleads against him.

Monstraverunt.

Monstraverunt is a Writ that lies for the Tenants in Antient

cient Demefne, and is directed to the Lord, him commanding not to diftrain his Tenant to do other Service than he ought: And they may have this Writ directed to the Sheriff, that he suffer not the Lord to diftrain the laid Tenant to do other Service.

If the Tenants cannot be in quiet, they may have an Attachment against the Lord, to appear before the Justices; and all the Names of the Tenants shall be put in the Writ though but one of them be grieved.

Also if any Land in Ancient Demefne be in Variance between the Tenants, then the Tenant so grieved shall have against the other a Writ which is called of Right close, after the Custom of the Manors; and that shall be always brought in the Lord's Court, and thereupon he shall declare in the Nature of what Writ he will, as his Case lies; and this Writ shall not be removed, but for a great Cause, or Non-Power of the Court.

Also if the Lord in another Place out of Ancient Demefne diftrain his Tenant to do other Service than he ought, he shall have a Writ of Right, called Ne Injuste vexes; and it is a Writ of Right Patent, which shall be tried by Battel or Grand Assise.

Moot.

MOOT or Mote is a Term well understood at the Inns of Court, and cometh from the Saxon Word Gemote, which signifies a Court, Plea, or Convention, as Mota de Hereford, i. e. curia vel Placita Com. Hereford. And of this there are se-

Ancient demefne, & est direct al Seigneur, luy commandant que il ne diftraine son Tenant pur fair auter Service que il doit: Et ils poient aver cest Brief direct al Vicount, que il ne suffer le Seignior a diftraine les dit Tenant pur faire auter Service.

Si les Tenants ne poient estre en quiet, ils poient aver un Attachment vers le Seignior de appaerer devant les Justices; & tous le nosmes des Tenants ferront mise en le Brief, coment que forsque un de ceux soit grieve.

Auxy si ascun Terre en Ancient demefne soit en variance enter les Tenants, donques le Tenant issint grieve avera vers le auter Brief quod vocatur Droit close, secundum Consuetudinem Manerii; & ceo serra tous foits port en le Court le Seign', & sur ceo il countera en le nature de quel Brief il voit, come son case gist; & cest Brief ne serra remove, si non pur grand cause, ou non power de le Court.

Auxy si le Seignior en auter lieu hors del ancient Demefne diftraine son Tenant de faire auter Service que il doit, il avera Brief de Droit, appelle Ne injuste vexes; & cest un Brief de Droit Patent, que serra trie per Battel ou Grand Assise.

Moot.

MOOT ou Mote, est un term bien conuist al les Inns de Court, & vient del Saxon parol Gemote, que signifie Curia, Placitum sive Convencus, come Mota de Hereford, i. e. Curia vel Placita Comitatus de Hereford. Et de ceo sont several

veral sorts, come *Wittinagemote*, *Folcagemote*, *Sciregemote*, *Burgeomote*, &c.

veral kinds, as *Wittinagemote*, *Folcagemote*, *Sciregemote*, *Burgeomote*, &c.

Mortdancester.

M*ortdancester.* Vide devant en le Title *Cosinage*.

Mortgage, ou Morgage.

M*ortgage, ou Morgage* est, quand un fait un Feoffment a un autre sur tiel condition, que si le Feoffor paya al Feoffee a certain jour 40 l. de argent, que adonque le Feoffor poit re-enter, &c. En ceo Case le Feoffee est appel Tenant en *Morgage*. Et sicome un home poit faire Feoffment en Fee en *Morgage*, issint il poit faire Done en taile, ou Lease pur vie ou pur ans en *Morgage*. Et il semble que la cause pur que il est appel *Morgage* est, pur ceo que il estoit en aurlst si le Feoffor voile payer al jour limit le argent ou non; & si il ne paya pas, donque le Terre que il mist en *gage* sur condition de payment de le money est ale de luy a tous jours, & issint *mort* a luy sur condition: Mes si il paya le money, donques est le *gage mort* quant a le Tenant, cest-ascavoir, le Feoffee. Et pur cest cause il est appel en *Latine Mortuum vadium*, come *Littleton* dit; ou *Mortuum vas*, come jeo pense.

Auxy si Feoffment soit fait en *Morgage* sur condition, que si le Feoffor paya tiel summe a tiel jour, &c. & le Feoffor morust devant le jour, uncore si le Heire le Feoffor paya le summe a mesme le jour al Feoffee, & le Feoffee ceo refusa, le Heire le Feoffor poit enter. Mes en tiel case, si ne

Mortdancester.

M*ortdancester.* See befoze in the Title *Cosinage*.

Mortgage, or Morgage.

M*ortgage, or Morgage* is when a Man makes a Feoffment to another on such Condition, that if the Feoffor pay the Feoffee at a certain Day 40 l. of Money, then the Feoffor may re-enter, &c. In this Case the Feoffee is called Tenant in *Morgage*. And as a Man may make a Feoffment in Fee in *Morgage*, so he may make a Gift in Tail, or a Lease for Life or Years in *Morgage*. And it seems the Cause why it is called *Morgage* is, for that it stands in Doubt whether the Feoffor will pay the Money at the Day appointed or not; and if he fail, then the Land which he laid in *Gage* upon Condition of Payment of the Money, is gone from him forever, and so dead to him upon Condition: But if he pay the Money, then is the *Gage* dead as to the Tenant, that is, the Feoffee. And for this Cause it is called in Latin *Mortuum vadium*, as *Littleton* saith; or *Mortuum vas*, as I think.

Also if a Feoffment be made in *Morgage* upon Condition, that if the Feoffor pay such a Sum at such a Day, &c. and the Feoffor dies befoze the Day, yet if the Heir of the Feoffor pay the Sum at the same Day to the Feoffee, and the Feoffee refuse it, the Heir of the Feoffor may enter. But in such Case if

if there be no Day of Payment expressed, then such Tender of the Heir is void, because when the Feoffor dies, the Time of Tender is past; otherwise the Heirs of the Feoffor shall have Time of Tender for ever, which would be inconvenient, that one shall have a Fee simple to him and his Heirs defeasible always at the Pleasure and Will of others. But in the first Case the Time of Tender was not expired by the Death of the Feoffor.

Mortmain.

Mortmain: Where Lands are given to a House of Religion, or to other Company Incorporated by the King's Grant, the Land is come into Mortmain, that is in English, a dead Hand; and then the King or the Lord, of whom the Land is holden, may enter, as appears by the Statute de Religiosis. And if one make a Feoffment upon Trust to certain Persons to the Use of a House of Religion, or to the Use of any Guild or Fraternity Incorporated, it shall be said Mortmain, and he shall incur the same Penalty, as appears by the Statute, Anno 15 R. 2.

Mortuary.

Mortuary is that Beast or other Chattel moveable, which, after the Death of the Owner, by the Custom of some Places, became due to the Parson, Vicar, or Priest of the Parish, in Lieu or Satisfaction of Tithes or Offerings forgot, or not well and truly paid by him that is dead. See now the Statute of 21 H. 8. cap. 6. which limits the Course and Order of

soit aucun jour de payment expresse, donques tiel Tender del Heire est voide, pur ceo que quand le Feoffor morust, le temps del Tender est passe; autrement les Heires le Feoffor averont temps del Tender a tous jours, que serra inconvenient, que un avera un Fee-simple a luy & ses Heirs defeasible tous foits a le pleasure & volunt de auters. Mes en le primer case le temps del Tender ne fuit expire per la mort le Feoffor.

Mortmaine.

Mortmaine: Lou Terres sont dones a Meason de Religion ou a un autre Companie que sont corporate per le Grant le Roy, cest Terre est devenus en *Mortmaine*, cest adire en *Anglois*, a dead Hand; & donque le Roy ou le Seignior de que le Terre est tenus poit entrer, come appiert per le Statute de Religiosis. Auxy si un fait Feoffment sur confidence a certain persons al oeps de aucun Gild ou Fraternity corporate, il serra dit *Mortmaine*, & il encourgera mesme le pain, ut patet per le Statute, Anno 15 R. 2.

Mortuary.

Mortuary (*Mortuarium*) est ceo Aver ou autre Chattel moveable, que, apres le mort del owner, per le Custom des aucuns lieux, accrue al Parson, Vicar, ou Priest del Paroche, en lieu ou satisfaction des Dismes ou Oblations oblites ou nient duement payes per cestuy que est mort. Veies ore le Statute de 21 H. 8. cap. 8. que limit le course & order
G g del

del payment de ceux *Mortuaries*,
ou de deniers pur eux.

the Payment of these *Mortuaries*,
or of Money for them.

Mulier.

Mulier est un parol use en nostre Ley, mes come aptment jeo ne poy dire : Car, accordant al proper signification, *Mulier est Famina corrupta*, sicome il est use per *Ulpianus* en tiel manner, *Si ego me Virginem emere putarem, cum esset Mulier, emptio non valebat.* Per ceo poyes veier, que *Mulier* est un Feme que ad ew le companie de un home. Mes a relinquisher le droit significant, *Mulier* est prise en nostre Ley pur un que est loyallyment engender & nee ; & est touts foits contra-distinguished ovesque un *Bastard*, solement pur monstre un difference perenter eux ; come pur exemple : Un home ad un Fitz per un Feme devant Marriage ; cest issue est un *Bastard*, & illoyal : Et apres il marrie ove le Mere del *Bastard*, & ont un auter Fitz ; cest second Fitz est appelle *Mulier*, cest adire, loyal, & serra Heire a son pere ; mes le auter ne poit estre Heire al ascun home, pur ceo que il nest conus ne certaine en le judgment del Ley que fuit son Pere, & pur cest cause est dit destre *nullius filius*, ou *filius populi*, & issint sans Pere, accordant al cestuy veil verses.

Cui Pater est Populus, Pater est sibi nullus & omnis :

Cui Pater est Populus, non habet ipse Patrem.

Et touts foits vous troves cest addition al eux [*Bastard eigne*, & *Mulier* puisne] quand ils sont compare ensemble.

Mulier.

Mulier is a Word used in our Law ; but how aptly I cannot say : For, according to the proper Signification, *Mulier* is a defiled Woman, as it is used in *Ulpianus* thus ; *Si ego me Virginem emere putarem, cum esset Mulier, emptio non valebat.* Whereby you may see, *Mulier* is a Woman that hath had the Company of a Man. But to leave the right Signification, *Mulier* is taken in our Law for one that is lawfully begotten and born ; and is always contra-distinguished with *Bastard*, only to shew a Difference between them ; as thus : A Man hath a Son of a Woman before Marriage ; that Issue is a *Bastard*, and unlawful : And after he marries the Mother of the *Bastard*, and they have another Son ; this second Son is called *Mulier*, that is to say, Lawful, and shall be Heir to his Father ; but the other cannot be Heir to any Man, because it is not known nor certain in the Judgment of the Law who was his Father, and for that Cause is said to be, No Man's Son, or the Son of the People, and so without Father, according to these old Verses ;

To whom the People Father is,
to him is Father none and all :

To whom the People Father is,
well fatherless we may him call.

And always you shall find this Addition to them [*Bastard eldest*, and *Mulier youngest*] when they are compared together.

Muniments.

Muniments are Evidences of Writings concerning a Man's Possession of Inheritance, whereby he is able to defend the Estate which he hath. And they are so called from the Latin Word *Munio*, which signifies to defend or fortifie. And 35 H. 6. fol. 37. b. Wangford says, That this Word *Muniment* includes all Manner of Evidences, viz. Charters, Releases, and others.

Murage.

Murage is a Toll or Tribute, levied for the repairing or Building of publick Walls. See Fitz. Nat. Brev. fol. 227. D. and the Statute of 3 E. 1. cap. 30.

Murder.

Murder is a wilful Killing a Man upon Malice forethought, and seems to come of the Saxon Word *Mordren*, which so signifies. And *Mordridus* is the Murderer even until this Day among them in Saxony, from whence we have many of our Words, as hath been often said. Or it may be derived of *Mort* and *dire*, as *Mors* dira. See Staundf. Pleas of the Crown, lib. 1.

Muster.

Muster comes of the French Word *Monstrer*, that is, to shew; for to Muster is nothing but to shew Men and their Arms and to inrol them in a Book, as appears by the Statute of 18 H. 6. cap. 19.

Muniments.

Muniments (*Munimenta*) sont Evidences ou Escripts touchants le Possession ou Inheritance de ascun home, par queux il est able pur defender le Estate que il ad. Et ils sont issint appels del *Latin* parol *Munio*, que signifie pur defender ou fortifier. Et 35 H. 6. f. 37. b. Wangford dit, que cest parol *Muniment* include tous manners des Evidences, viz. Charters, Releases, & auters.

Murage.

Murage (*Muragium*) est un Tolle ou Tribute levie pur le Repairer on Edifier des publique Mures. Veies Fitzh. N. B. fol. 227. D. & le Statute 3 E. 1. cap. 30.

Murder.

Murder est un voluntarie Occider de un home sur malice prepense, & semble de vener de le Saxon parol *Mordren*, que issint signifie. Et *Mordridus* est le Murderer tanque al cest jour enter eux in Saxony, de que nous avomus mults de nostre parolx, come ad estre sovent dit. Ou poit estre derive de *Mort* & *dire*, quasi *Mors* dira. Veies Staundf. Pleas del Coron. lib. 1.

Muster.

Muster venust del parol *Francois* *Monstrer*, id est, *Monstrare*; car de *muster* nest riens forsique de monstre homes & leur Armes, & de eux inroller en un Livre, come appiert per le Stat. de 18 H. 6. cap. 19.

N.

Naam.

N*aam* est le Pursure on Apprehension des biens moveables de un auter home ; & il est ou loyal, ou illoyal. *Naam* loyal est un reasonable Distresse accordant al value del chose pur que Distresse est fait. Veies pluis de ceo en *Horne's Mirrour de Justices*, lib. 2.

Nativo habendo.

N*ativo habendo* est un Brief que gist lou le Villeine ou Nief de un Seignior est ale de luy ; donques le Seignior avera cest Brief direct al Vicount que il face le Seignior aver son Villein ou Niefe, ovesque tous ses chateux.

En cest Brief plusors Villeins ou Niefes ne purront estre demandes que deux ; mes cy tant des Villeins ou Niefes que voilent jointment poient porter Brief de *Libertate probanda*

Et si un Nief port Brief de *Libertate probanda*, avant que le Seignior port cest Brief, donques le Villein Plaintiff ou Nief serra en peace jesque al venue des Justices, ou autrement son Brief ne luy aidera.

Auxy si un Villein ad demur en Antient demesne per un an & jour sans claime del Seignior, donques il ne poit luy seiser deins le dit Franchise.

N.

Naam.

N*aam* is the Attaching or Taking of the moveable Goods of another Man ; and is either lawful, or unlawful. *Naam* is a reasonable Distress according to the Value of the Thing for which the Distress is made. See more of this in *Horn's Mirror of Justices*, lib. 2.

Nativo habendo.

N*ativo habendo* is a Writ that lies where the Villain or Nief of the Lord is gone from him ; then the Lord shall have this Writ directed to the Sheriff to cause the Lord to have his Villain or Nief, with all his Goods.

In this Writ more Villains or Niefs may not be demanded than two ; but as many Villains or Niefs as will may jointly bring a Writ de *Libertate probanda*.

And if a Villain or Nief bring his Writ de *Libertate probanda* before the Lord bring this Writ, then the Villain Plaintiff shall be in Peace till the Coming of the Justices, or else his Writ shall not help him.

Also if a Villain have tarried in ancient Demesne one Year and a Day without Claim of the Lord, then he cannot seise him in the said Franchise.

Natura-

Naturalization.

Naturalization. See Denizen.

Ne admittas.

NE admittas is a Writ directed to the Bishop at the Suit of one who is Patron of any Church, and he doubts that the Bishop will collate one his Clerk, or admit another Clerk presented by another Man to the same Benefice: Then he that doubts it shall have this Writ, to forbid the Bishop to collate or admit any to that Church.

Negative Pregnant.

NEGATIVE Pregnant is, when an Action, Information, or such like, is brought against one, and the Defendant pleads in Bar of the Action or otherwise, a Negative Plea, which is not so special an Answer to the Action, but that it includes also an Affirmative. As for Example; If a Writ of Entry en casu proviso be brought by him in the Reversion of an Alienation by the Tenant for Life, supposing that he hath aliened in Fee, (which is a Forfeiture of his Estate) and the Tenant to the Writ saith, He hath not aliened in Fee; this is a Negative, wherein is included an Affirmative; for though it be true that he hath not aliened in Fee, yet it may be he hath made an Estate in Tail, (which is also a Forfeiture) and then the Entry of him in the Reversion is lawful, &c.

Also in a Quare impedit, the King makes Title to present to a Prebend, for that the Temporalities of the Bishoprick were in

Naturalization.

Naturalization. Veies Denizen.

Ne admittas.

NE admittas est un Brief direct al Evesque al Suit de un que est Patron de ascun Esglise, & il doubta que l'Evesque voit collate un son Clerk, ou admit un auter Clerk present per auter home al dit Benefice: donques il que c' douta avera cest Brief de inhibiter le Evesque de colater ou admitter ascun a son Esglise.

Negativa pregnans.

NEGATIVA pregnans est, quant un Action, Information, ou tiel semblable Suite, est port envers un, & le Defendant plead en Barre del Action ou antement un Negative Plee, que nest cy special respons al Action, mes que il enclude auxy un affirmative. Come pur exemple; Si un Brief de Entre en casu proviso soit port per cestuy en le Reversion sur Alienation per le Tenant pur vie, supposant que il ad alien en Fee, (que est un Forfeiture de son Estate) & le Tenant al Brief dit que il nad alien en Fee; cest un Negative, en que est include un Affirmative: car nient obstant il soit veray que il nad alien en Fee, uncore il poit estre q'il ad fait un Estate en taile, (le quel est auxy un Forfeiture) & donques l'Entry de celuy en l'Reversion est loyal, &c.

Item en un Quare impedit, l'Roy fist Title de presenter a un prebend, ratiene que les Temporalities de l'Evesquerie fueront

fuèrent en sa mains per le mort de *W.* nuper Episcopi, &c. Le Defendant dit que ne voida pas, esteants les Temporalities en les maines del Roy per le mort de *W.* Cest un *Negative pregnant*; car il poit estre en les maines del Roy auterment que per le mort de *W.* & il suffist al Roy si soit en sa maines, per ascun Means, &c.

Iffint est lou un Information fuit port in Scaccario vers *J. S.* pur ceo que il achate lanes perenter Shering-tamps & Assumption tali anno de *J. N.* Le Defendant dit quod non emit de *J. N.* come il est alledge, &c. Ceo est appelle un *Negative pregnant*; car sil ceo achate de auter, uncore il est culpable pur achater.

Neif, ou Nief.

Nief est un Feme que est bonde, ou un Villein Feme: Mes si el marrie un Frankhome, el est per ceo fait frank, pur ceo que el & sa Baron sont forsque un person en Ley, & el covient estre de mesme le nature & condition en Ley a tous entents come sa Baron; mes sa Baron est frank a tous entents sans ascun condition en Ley, ou auterment; & issint per consequence le Feme covient estre, & est frank accordant al nature de son Frank Baron. Et donques si el soit un foits frank & cleerement discharge de Villenage a tous entents, el ne poit estre *Niese* apres sans especial act fait per luy, come Divorce, ou Conu-fans en Court de Record, & c' est en favour de Libertie. Et pur ceo un Franck feme ne

his Hands by the Death of *W.* late Bishop, &c. The Defendant saith that it was not bond, the Temporalities being in the King's Hand by the Death of *W.* This is a *Negative Pregnant*; for it may be in the King's Hands otherwise than by the Death of *W.* and it suffices the King if it be in his Hands by any Means &c.

So is it where an Information was brought in the Exchequer against *J. S.* for that he bought Wool of *J. N.* between Shearing-Time and the Assumption such a Year. The Defendant saith he did not buy any of *J. N.* as it is alledged, &c. This is called a *Negative Pregnant*; for if he bought it of any other, yet he is culpable for the Buying.

Neif, or Nief.

Nief is a Woman that is bound, or a Willain Woman: But if she marry a Freeman, she is thereby made free, because she and her Husband are but one person in Law, and she ought to be of the same Nature and Condition in Law to all Intents as her Husband is; but her Husband is free to all Intents without any Condition in Law, or otherwise; and so by Consequence the Wife ought to be, and is free according to the Nature of her free Husband. And then if she were once free, and clearly discharged of Bondage to all Intents, she cannot be Nief after without special Act done by her, as Divorce, or Confession in Court of Record, and that is in favour of Liberty. And therefore a Free woman shall not be bound by tak-
ing

ing of a Villain to her Husband; but their Issue shall be Villains as their Father was: Which is contrary to the Civil Law, for there it is said, The Birth follows the Belly.

Bondage as Villainage had Beginning amongst the Hebrews, and its original of Chanaan the Son of Cham, who, because he had mocked his Father Noe to scorn, lying dissolutely when he was drunk, was punished in his Son Chanaan with Penalty of Bondage.

Ne injuste vexes.

NE injuste vexes. Look in the Title Monstraverunt.

Next Friend.

NEXT Friend. See Prochein Amy.

Nihil.

Nihil, or Nichil, are such Issues as the Sheriff apposed saith are Nothing worth, and not leviable for the Insufficiency of the Party that should pay them. 5 R. 2. Stat. 1. chap. 3. & 27 El. ch. 3.

Nihil capiat per breve.

Nihil capiat per breve is the Judgment given against the Plaintiff, either in Bar of his Action, or in Abatement of his Writ, Co. Lit. 363.

Nihil dicit.

Nihil dicit is, when an Action is brought against a Man, and the Defendant appears, the Plaintiff declares, and the Defendant will not answer, or plead to the Action, and doth not maintain his Plea, but makes Default; now upon this

serra Villeine per prisel del Villein a son Baron; mes leur issue serra Villeines come leur Pere fuit: que est contrary a le Ley Civile, car la est dit, Partus sequitur Ventrem.

Bondage ou Villeinage ad son commencement enter les Hebrews, & son original de Chanaan le fils de Cham, que, pur ceo que il avoit derise son Pere Noe, gisant dissolument quant il fuit ebie, fuit punie en son fils Chanaan ovesque penaltie d'Bondage.

Ne Injuste vexes.

N Ne Injuste vexes. Vide Titulo Monstraverunt.

Next Friend.

NEXT Friend. Veies Prochein Amy.

Nihil.

Nihil ou Nichil sont tiels Issues que le Sheriff appose dit ne riens vault & nient leviable pur le insufficiency del party que doit eux payer. 5 R. 2. Stat. 1. chap. 3. & 27 El. cap. 3.

Nihil capiat per Breve.

Nihil capiat per Breve est le Judgment done vers le Plaintiff ou en bar de son Action, ou en abatement de son Brief. Co. Lit. 363.

Nihil dicit.

Nihil dicit est, quant un Action est port envers un home, & le Defendant appear & le Plaintife declare, & le Defendant ne voile responder, ou pleade al Action, & ne maintaine son Plee, mes fait Default; ore sur cest Default

il serra condemne, quia *Nihil dicit.*

Default he shall be condemned, because he saith nothing.

Nisi prius.

NISI prius est un Brief judicial, & gist quant l'Enquest est impanell' & retourn devant les Justices en Banke; donques le Plaintife ou Defendant poit aver cest Brief direct al Visc'; luy commandant que il face vener la Enquest devant les Justices en mesme le Countie a lour vener, & ceo pur easement del Enquest.

Nisi prius.

NISI prius is a Writ judicial, and lies where an Enquest is empanelled and returned befoze the Justices of the Bench; then the Plaintiff or Defendant may have this Writ directed to the Sheriff, commanding him to cause the Enquest to come befoze the Justices in the same County at their coming, and that for the Ease of the Enquest.

Nomination.

Nomination est, lou un poit, en droit de son Mannor ou auterment, nominate & appoint un able Clerk ou home al un Parsonage, Vicarage, ou tiel Spiritual Promotion. Et nota que ce *Nomination* poit estre al auter que l'Ordinarie, quel auter luy presentera al Orninarie.

Nomination.

Nomination is, where one may in Right of his Manor, or otherwise, nominate and appoint a worthy Clerk or Man to a Parsonage, Vicarage, or such like Spiritual Promotion. And note, that this Nomination may be to another than the Ordinary, which other shall present him to the Ordinary.

Non-abilite.

Non-abilite est, lou un Action est port vers un, & le Defendant dir, que le Plaintiff est *non able* de suer asc' Action, & demand Judgment sil serra responde. Il y ad 6 causes de *Non-abilite* en le Plaintiff: come sil soit Utlage, ou Alien nee, (mes cest Disabilite est en Actions reals & mixt solement, & non en Actions personals, si non que il soit un Alien ennemie) ou condemne en *Præmunire*, ou professe en un Abbie, Priorie, ou Frierie, ou Excommenige, ou un Villeine, & sue son Seigneur. Mes cest darreine nest Plee pur auter que nest Seigneur al Villeine. Vide de ceo *Littl l. 2 c. 7.*

Non-ability.

Non-ability is, where an Action is brought against one, and the Defendant says, that the Plaintiff is disabled to sue an Action, and demands Judgment if he shall be answered. There are six causes of Non-ability in the Plaintiff: As if he be an Outlaw, or an Alien born, (but that Disability is in Actions real and mixt only, and not in Actions Personal, except he be an Alien Enemy for condemned in *Præmunire*, or professed into an Abbey, Priory, or Friery, or Excommunicate, or a Villain, and sues his Lord, But this last is no Plea for another that is not Lord to the Villain. See moze hereof, *Littl l. 2. c. 11.*

Non-age.

Non-age.

NON-age is all that Time of a Man's Age under 21 Years in some Cases, and 14 in others, as Marriage. See Broke Tit. Age.

Non-claim.

NON-claim is the Omission or Neglect of him that ought to challenge his Right within a Time limited, by which Neglect he is either barred of his Right, as at this Day upon Non-claim within five Years after a Fine and Right to him accrued by the Statute of 5 H. 7. c. 24. or of his Entry by a descent for want of Claim within five Years after the Disseisin made; by the Statute of 32 H. 8. cap. 33.

Non compos mentis.

NON compos mentis, i. e. that is not of sound Memory or Understanding, which is fourfold. 1. An Ideot from his Birth. 2. He who by accident loseth his Understanding. 3. A Lunatick who hath sometimes Understanding and sometimes not. 4. He that by his own Act deprives himself of his Senses, as a Drunkard. See Co. 4. Rep. Beverley's Case.

Non est culpabilis.

NON est culpabilis is a general Plea, whereby the Defendant denies the Fact with which he is charged by the Plaintiff.

Non molestando.

NON molestando is a Writ which lies for him who is molested against the King's Protection granted to him. Reg. Brev. 24.

Non age.

NON-age est tout les temps de l'age del home desouth 21 ans en ascun cases, & 14 en auter, come Marriage. Veies Broke, Tit. Age.

Non clame.

NON-clame est l'Omission ou neglect de cestuy que doit challenger son Droit deins un temps limite, per quel neglect il est ou barre de son Droit, come a cest jour sur Non clame deins cinque ans apres un Fine & droit a luy accrue, per le Statute de 4 H. 7. c. 24. ou de son Entrie per un discent pur default del Claim deins cinque ans apres le Disseisin fait, per le Statute de 32 H. 8. c. 33.

Non compos mentis.

NON compos mentis, i. e. de non sane memory ou intellect, quel est quadruplex 1. Un Ideot à nativitate. 2. Qui per accident perde son intellect. 3. Un Lunatick qui avoit lucida intervalla. 4 Il que per son act demesne deprive luy mesme de son senses, come ebrius. Veies 4 Co. Beverley's Case.

Non est culpabilis.

NON est culpabilis est un general plea per que le Defendant deny le fait ove que il est charge le Plaintiff.

Non molestando.

NON molestando est un Brief que gist pur celuy que est molest encounter le Protection le Rqy grant a celuy. Reg. Brev. 24.

Non

Non omittas propter libertatem.

NON *omittas propter libertatem*, est un Brief que gist lou le Viscount retourne sur Brief a luy direct, que il ad maund al Bailiff de tiel Franchise que aver Retourne des Briefs, & il nad servie le Brief; donques le Plaintiff avera cest Brief direct al Viscount, que il luy mesme enter en le Franchise, & execute le Brief le Roy.

Auxy le Viscount gamera le Bailiff, que il soit devant les Justices al jour contenus en le Brief; & sil ne vient & luy acquite, donques tous les Briefs judicial que passeront hors del Court le Roy durant mesme le Plee serront Briefs *De non omittas*, &c. & le Viscount ferra execution de eux pendant cel Plee.

Non-suit.

NON-suit est le Renouncer del Suit per le Plaintiff ou Demandant, quant le matter est en probability pur proceed, apres le Tenant ou Defendant ad appear, &c. Et vide le Statute 2 H. 4. c. 7. en queux cases home ne poit estre *Non-suit*; & 23 H. 8. c. 15. & 8 Eliz. c. 2. & 4 Jac. c. 3. lou cestui qui est *Non suit* payera Costs al Defendant.

Non sum informatus.

NON *sum informatus* est un formal Response fait per un Attorney, que est command per le Court dire ascun chose en Defence de son Client, per quel il est adjudge lascher

Non omittas propter libertatem.

NON *omittas propter libertatem* is a Writ that lies where the Sheriff returns upon a Writ to him directed, that he hath sent to the Bailiff of such a Franchise which hath Return of Writs, and he hath not served the Writ; then the Plaintiff shall have this Writ directed to the Sheriff, that he himself enter into the Franchise, and execute the King's Writ.

Also the Sheriff shall warn the Bailiff, that he be before the Justices at the Day contained in the Writ; and if he come not and excuse himself, then all the Writs judicial which shall pass out of the King's Court during the same Plea, shall be Writs *De non omittas*, &c. and the Sheriff shall make Execution of them depending that Plea.

Non-suit.

NON-suit is the Renouncing of a Suit by the Plaintiff or Demandant, when the matter is in probability to proceed after the Tenant or Defendant hath appeared, &c. And see the Statute of 2 H. 4. c. 7. in what cases a Man cannot be *Non-suit*; and 23 H. 8. cap. 15. and 8 Eliz. c. 2. and 4 Jac. c. 3. where he that is *Non-suit* shall pay Costs to the Defendant.

Non sum informatus.

NON *sum informatus* is a formal Answer made by an Attorney, who is commanded by the Court to say something in Defence of his Client, by which he is deemed to leave his Client undefended,

undefended, and so Judgment
passes for the other Party.

son Client sans Defence, &
issint judgment passe pur l' au-
ter partie.

Non Term.

NON Term is the Time of Va-
cation between two Terms.

Novel Assignment.

NOvel Assignment is, where a
Man brings Trespass for
breaking his Close: And the De-
fendant justifies in a Place where
no Trespass was done, then the
Plaintiff assigns the Close where
it was; to which the Defendant
may plead Not guilty, or justifie
by Title. And there are other Re-
plications in Battery, and other
Trespases; as if the Defendant
in Battery justifies by a Writ:
The Plaintiff replies, that after
the Return of it, the Plaintiff in
that Suit discharged the Plaintiff
out of Prison, and that the De-
fendant after that imprisoned
him, now the Defendant must
answer to that Replication.

Bare or Naked Contract.

BARE Contract, or Naked Pro-
mise is, where a Man bar-
gains or sells Lands or Goods,
or promises to give one Money,
or a Horse, or to build a House, or
to do such a Thing at such a Day
and there is no Recompence ap-
pointed to him for the doing
thereof; as if one say to ano-
ther, I sell or give to you all
my Lands or Goods, and
there is nothing appointed, at-
signed, or agreed upon what the
other shall give or pay for it,
so that there is not one Thing
for another: This is a Naked
Contract, and void in Law, and for
Non-performance thereof no Acti-

Non Term.

NON Term est le temps de va-
cation deins deux Terms.

Novel Assignment

NOvel Assignment est, ou home
port trespasse de son close
debruse: Et le Defendant justi-
fie en un lieu ou nul trespasse
fuit fait, donque Plaintiff as-
signe le close ou c' fuit, a que
le Defendant poit pleade de
rien culpable, ou justifie per
title. Et auxi sont aut's Re-
plications en Battery, & aut's
Trespases; come si Def. en
en Battery justifie per un Brief,
le Plaintiff reply que puis le
Retorne de ceo le Plaintiff en
ceo suit discharge le Plaintiff
hors de Prison, & puis le De-
fendant luy prist & imprison,
ore le Defendant doit respond a
ceo Replication.

Nude Contract.

NUDE Contract, ou Nude
Promise est, lou un home
bargaine ou vende ses Terres
ou Biens, ou premise pur done
al auter monie, ou un chival,
ou edifier un meason, ou faire
tiel chose a tiel jour, & la est
nul recompence appoint a
luy per le faire de ceo; come
si un dit al auter, Jeo vende
ou done a vous tous mes
Terres ou Biens, & la est nul
chose appoint, assigne, ou agree,
que l'auter donera ou payera
pur ceo, issint que il nad
quid pro quo: cest un *Nude*
Contract, & void en Ley, &
en non-performance de ceo nul
Action

Action gift, car, *Ex nudo Pacto non oritur Actio.*

on lies ; for, *Ex nudo Pacto non oritur Actio.*

Nuper obiit.

N*uper obiit* est un Brief, & gift lou un ad plusors Heirs, cestascavoir, plusors Files, ou plusors Fits, sil soit en *Gavelkind* en *Kent*, & devie seisie, & un Heire entra en tout la Terre ; donques les auters que sont tenus dehors averont cest Brief vers le Coheir que est eins. Mes Brief de *Rationabili parte* gift en tiel case ou le Ancestor fuit un foits seisie, & ne morust seisie de Possession, mes del Reversion.

Nusans.

N*usans* est, lou ascun home levie ascun Mure, ou estoppe ascun Ewe, ou fait ascun chose sur son Terres demesne al annoyance son prochein ; cestuy que est grieve avera un Brief appel *Affize de Nusans* : Auxy si il que fist le Nusans alien le Terre a un auter, donques cest Brief serra port envers ambideux, come appiert per le Statute de *Westm.* 2. c. 24.

Poit estre auxi per estopper de Luminers en un Mese, ou pur causer de ewe de flow sur mese auters, pur remedy de quel un Action sur le Case ou *Affize* gift.

Nuper obiit.

N*uper obiit* is a *Writ*, and it lies where one hath many Heirs, that is, many Daughters, or many Sons, if it be in *Gavelkind* in *Kent*, and dies seised, and one Heir enters into all the Land, then the others whom he holds out shall have this *Writ* against the Coheir that is in. But a *Writ* of *Rationabili parte* lies in such Case where the Ancestor was once seised, and died not seised of the Possession, but in Reversion.

Nusance.

N*usance* is, where any Man raises any wall, or stops any Water, or doth any Thing upon his own Ground to the unlawful Hurt or Annoyance of his Neighbour ; he that is grieved may have thereof an *Affize* of *Nusance* : And if he that makes the *Nusance* aliens the Land to another, then this *Writ* shall be brought against them both, as it appears by the Statute of *Westm.* 2. c. 24.

It may be also by stopping Lights in an House, or causing Water to run over House or Lands, for Remedy whereof, an Action upon the Case or *Affize* lyeth.

O.

Obit.

Obit is a Funeral Solemnity or Office for the dead, most commonly performed at the Funeral when the Corps lies in the Church uninterred.

Oblations.

Oblations are what Things soever are offered to God and his Church by pious and faithful Christians.

Occupant.

Occupant is, when a Man makes a Lease to another, for the Term of the Life of a third Person: The Lessee dies, he who first enters shall hold the Land as Occupant, during the Life of the third Person: To prevent which, such Leases are now made to the Lessee, his Heirs and Assigns. 2 Cro. 554. Co. 6 Rep. 37.

Odio & Atia.

Odio & Atia is an old Writ mentioned in the Statute of Westm. 1. made in 3 E. 1. cap. 11. and it was directed to the Sheriff, to inquire whether a Man committed to Prison upon Suspicion of Murder were committed upon just Cause of Suspicion, or for Malice only. And if upon an Inquisition it were found that he were not guilty, then there came another Writ to the Sheriff to bail him.

O.

Obit.

Obit est un funeral Solemnity ou Office pur le mort, communement fait quand le Corps gist en le Esglise nient enterre.

Oblationes.

Oblationes sunt quaecunque a piis fidelibusque Christianis offeruntur Deo & Ecclesie.

Occupant.

Occupant est, quand un home fist un Lease al autre pur Term del Vie de tierce person: Le Lessee morust, il que primes enter, tenera la terre come occupant durante la vie del tierce person, Quel a pre-venter, tiels Leases sont ore faits al Lessee, ses heirs & assigns. 2 Cro. 554. Co. 6 Rep. 37.

Odio & Atia.

Odio & Atia est un vieux Brief mention en le Statute de Westm. 1. fait en 3 E. 1. cap. 11. & fuit direct al Viscount, pur inquire si home commise al prison sur Suspicion del Murder fuit commise sur unjust Suspicion, ou pur malice seulement. Et si sur enquiry fuit trove que ne fuit culpable, adonques un autre Brief venust al Viscount pur luy bailer. Mes cest course

course est ore tolle per le Statute de 28 E. 3. cap. 9. come appiert en *Staundford's Pl. Cor. fol. 77. G.* Et veies *Coke, lib. 9. fol. 56. a, b.*

Office.

Office nient seulement signifie
le fonction per force de
quel home avoit employ en
le affairs de un autre, mes
auxi un Inquisition fait al use
del Roy de ascun chose per
vertue de son Office que en-
quire.

Oleron Leys.

Oléron Leys issint appel pur
ceo que ils fueront fait per
Rich. 1. quand il fuit la, & re-
late al choses concernant le
Mer. Co. Lit. 260.

O. Ni.

O. *Ni.* est que cy tost que le Vicount enter sur son account pur Issues, Amerciaments & mean perquisites a marquer sur son Teste, *O. Ni.* que est, *Oneratur nisi habeat sufficientem exonerationem,* & desuis il devient debtor al Roy, & un debet mis sur son Teste.

Ordeal.

O *R*ideal est tant adire come
Expers criminis ; & fuit
antient manner de Trial en
Criminal Causes : Car quand
le Defendant esteant arraine,
plede *Rien culpable*, il puit
essier le quel il voet mitter luy
mesme sur Dieu & le Pais, que
est sur le Verdict de Douze
homes, come il sont jesque a
cest jour, ou sur Dieu sole-
ment ; & pur ceo fuit appel
Judicium Dei, presumant que
Dieu voille delivrer le inno-

But now that Course is taken away by the Statute of 28 E. 3. cap. 9. as it appears in Saunders. Pl. of the Cr. fol. 77. G. And see Coke, lib. 9. fol. 56. a. b.

Office.

Office doth not only signifie that function, by Vertue whereof a Man hath some Employment in the Affairs of another, but also an Enquisition made to the King's Use of any Thing by Vertue of his Office who enquireth.

Oleron Laws.

Oleron Laws, so called because they were made by King Rich. I. when he was there, and relate to maritime Affairs. Co. Lit. 260.

O. Ni.

O. Ni. is, that so soon as the Sheriff enters upon his Accounts for Issues, Amerciaments and mean Profits to mark upon his Head, O. Ni. which is, Let him be charged unless he hath a sufficient Discharge, and forthwith he becomes the King's Debtor, and a Debt set upon his Head.

Ordeal.

ORdeal is as much as to say Not guilty, and was an ancient Manner of Trial in Criminal Causes: For when the Defendant, being arraigned, pleaded Not guilty, he might chuse whether he would put himself upon God and the Country, which is upon the Verdict of twelue Men, as they are at this Day, or upon God only, and therefore it was called The Judgment of God, presuming that God would deliver the Innocent;

cent; and that was, if he were of free Estate, by fire, that is to say, to go bare-footed over nine Plowshares Fire-hot; and if he escape unhurt, he should be acquitted, and if not, then he should be condemned. And if the Party were of Servile Condition, then he should be tried by Water, which was in divers Manners: For which see Lambard, in the Word *Ordealium*. But now the Trial is prohibited by Parliament. See Coke, lib. 9. fol. 32. b.

Ordelfe.

Ordelfe is, where one claims to have the Ore that is found in his Soil or Ground.

Ordinary.

Ordinary is a Term of the Civil Law, and there signifies any Judge that hath Authority to take Cognisance of Causes in his own Right, and not by Deputation. But in the Common Law it is properly taken for the Bishop of the Diocess, who is the true Ordinary to certify Excommunications, lawful Marriages, and such Ecclesiastical and Spiritual Acts within his Diocess, to the Judges of the Common Law; for he is the Party to whom the Court ought to write upon such Occasions. And yet the Word Ordinary is usually taken in the Common Law and Statutes for every Commissary or Official of the Bishop or other Judge Ecclesiastical that hath Judicial Authority within his Jurisdiction, as appears in *Coke*. l. 9. *Hensloe's C.* fol. 36. b. and the Statute of *Westm.* 2. c. 19. & 31 E. 3. cap. 11. and many others.

cent; cestascavoire, sil fuit de Franke estate, donques per Feu, cestascavoir, a passer ouster *novum Vomeres ignitos nudis pedibus*; & sil escape illasus, il serra acquite; & sil nemy, il serra condemne. Et si le partie fuit de un Servile condition, donque il serra trie per Ewe, que fuit en divers manners: Pur queux veies *Lambard*, verbo *Ordealium*. Mes jammes cest Trial est ouste per Parlement. Veies *Coke*, lib. 9. fol. 32. b.

Ordelfe.

Ordelfe est, lou un claime de aver le Ore que est trove en son Soile ou Terre.

Ordinary.

Ordinary (*Ordinarius*) est un terme del Civil Ley, & en ceo signifie ascun Judge que ad authority pur piender Cognisance de causes en son droit demesme, & nemy per Deput. Mes en le Common Ley est properment prise pur l' Evesque de chescun Dioces, que est le voier Ordinary pur certifier Excommengement, loyal Matrimony, & tiels Ecclesiastical & Spiritual acts deins son Dioces, as Judges del Common Ley; car il est le party a que le Court doit escrier sur tiel occasions. Et uncore cest parol Ordinary est usualment prise en le Common Ley & les Statutes pur chescun Commissarie ou Official del Evesque ou auter Judge Ecclesiastical que ad Judicial Authority deins son Jurisdiction, come appiert en *Coke*, lib. 9. *Hensloe's C.* fol. 36. b. & le Statute *Westm.* 2. c. 19. & 31 E. 3. c. 11. & plusors autes.

Orsgild.

Orfgild.

ORfgild est Pecudis Solutio vel redditio, de Saxon Orf, Pecus, & Gild, Solutio, Redditio.

Ouster le maine.

Ouster le maine (*Amoveas manum*) est un Brief direct al Escheator, pur deliver Seisin ou Possession hors des maines le Roy al partie, que sue le Brief, pur ceo que les Terres seifies ne sont teuus del Roy, ou pur ceo que il ne doit aver le Gard de eux, ou pur ceo que le Title le Roy est determine, &c. Est auxy le Judgment done en un Monstrance de Droit, ou sur un Travers ou Petition: Car quand appiert sur le matter discusse que le Roy nad Droit ou Title al chose que il seife, adonque Judgment ferra done que les maines le Roy sont oustes; & sur ceo un *Amoveas manum* ferra agard al Escheator; que est rant sicome Judgment fuit done que le partie averoit son Terre arere. Veies pur ceo *Staundford's Prerog. cap. 24.*

Ouster le mer.

Ouster le mer est un cause de excuse ou essoin si un home ne appiert en Court sur Summons.

Outfangtheef.

Outfangtheef est, quod Latrones de Terra vestra vel Feodo vestro, extra Terram vestram vel Feodum vestrum capti, ad Curiam vestram revertantur, & ibidem judicentur.

Orfgild.

ORfgild signifies a Payment or restoring the Cattell, from the Saxon Orf, Pecus, and Guild Solutio, Redditio.

Ouster le maine.

Ouster le maine is a writ directed to the Escheator, to deliver Seisin or Possession out of the King's Hands unto the Party that sues the writ, for that the Lands seised are not holden of the King, or for that he ought not to have the Wardship of them, or for that the King's Title is determined, &c. It is also the Judgment given in a Monstrance de Droit, or upon a Traverse or Petition: For when it appears upon the Matter discussed, that the King hath no Right or Title to the Thing that he seised, then Judgment shall be given that the King's Hand be amoved; and thereupon an *Amoveas manum* shall be awarded to the Escheator; which is as much as if Judgment were given that the Party should have his Lands again. And see for this *Staundf. Prerog. cap. 24.*

Ouster le mer.

Ouster le mer is a Cause of Excuse or Essoin, if a Man appear not in Court upon Summons.

Outfangtheef.

Outfangtheef is, that Thieves or Felons belonging to your Land or Fee, but taken out of it, shall be brought back to your Court, and there judged.

Outlary.

Oulary. See Utlary.

Outlary.

Oulary. Veies Utlary.

Owelty.

OWelty is, when there is Lord, Mesne, and Tenant, and the Tenant holds of the Mesne by the same Services that the Mesne holds ober of the Lord above him: As if the Tenant holds of the Mesne by Homage, Fealty, and rr s. Rent, and the Mesne holds ober of the Lord above by Homage, Fealty, and rr s. Rent also; this is called Owelty of Services.

Owelty.

OWelty est, quand il y ad Seign', Mesne & Tenant, & le Tenant tient del Mesne per mesme les Services que le Mesne tient ouster de le Seign' paramount: Come si le Tenant tient del Mesne per Homage, Fealty, & xx s. de Rent annuelment, & le Mesne tient ouster de le Seignior paramount per Homage, Fealty, & xx s. Rent auxy; cest appelle Owelty de Services.

Hearing of Records and Deeds, &c.

Oyer de Records & Faits, &c.

HEaring of Records and Deeds is, where an Action of Debt is brought against a Man upon an Obligation, and the Defendant appears, and then prays that he may hear the Obligation wherewith the Plaintiff charges him.

OYer de Records & Faits est, ou un Action de Det est port envers un home sur un Obligation, & le Defendant appeare, & donques prie que il poit Oyer le Obligation ovesque que le Plaintife charge luy.

So it is when Executors bring an Action of Debt, and the Defendant demands to hear the Testament; upon this Demand it shall be read unto him. But if it be another Term, or after the Defendant hath imparled, then he shall not hear it. And so as is said of Deeds, is to be understood of Records that are alledged against him. But in the King's Bench the Defendant may at any Time before Plea, and after the Plaintiff has declar'd, have Oyer of Deed and Record. See the Title Monstrans de Faits.

Issint est quand executors port un Action de Det, & le Defendant demand Oyer del Testament; sur cest demand il ferra lie al luy. Mes si soit en un autre Terme, ou apres que le Defendant ad imparle, donques il navera le Oyer. Et issint come est dit de Faits, est destre entende de Records que sont alledge envers luy. Mes en B. R. le Defendant poit al ascun temps devant Plea, & apres le Plaintife ad declare, aver Oyer del Fait ou Record. Veies le Title Monstrans de Faits.

Oyer & Terminer.

O*yer & Terminer* est un Brief appel en Latin de *Audiendo & Terminando*, & gist quand ascun grand ou sodaine Insurrection est fait, ou ascun auter sodain Transgression, que require hasty reformation; donc que le Roy directera un Commission a certain Justices de *Audiendo & Terminando*.

Nota, que les Justices de Assise ont un Commission de *Oyer & Terminer* direct al eux, & divers auters inhabitants deins les Counties as queux leur Circuit extende, dont chescun de les Justices de Assise sont del *Quorum*, pur le mieulx oyer & determiner de divers offences queux poient avener en leur Circuit, quel sans cel Commission eux ne poient faire. Veies *Fitzh. N. B. fol. 110. b.*

Oyes.

O*yes* est un corruption del French parol *Oyer*, i. e. *Hear ye*, quel est use par les Crieurs en Courts pur faire Proclamations.

P.

Paine fort & dure.

P*aine fort & dure* est un particular Punishment pur tiels que esteant arraigne pur Felony, refusont de mitter eux mesme sur le usual Trial de Dieu & le Pais, & per ceo sont Mute, ou come

Oyer and Terminer.

O*yer and Terminer* is a Writ called in Latin, de *Audiendo & Terminando*, and it lies where any great or sudden Insurrection is made, or any other sudden Trespas, which requires hasty Reformation, then the King shall direct a Commission to certain Justices to hear and to determine the same.

Note, That the Justices of Assise have also one Commission of *Oyer and Terminer* directed to them, and divers other Inhabitants within the Shires where unto the Circuit extends, where of each of the Justices of Assise are of the *Quorum*, for the hearing and determining of divers Offences which may happen in their Circuit, which without this Commission they could not do. See *Fitzh. N. B. fol. 110.*

Oyes.

O*yes* is a Corruption of the French Word *Oyez*, i. e. *Hear ye*, which is used by Criers in Courts to make Proclamation.

P.

Paine fort & dure.

P*aine fort & dure* is an especial Punishment for such as being arraigned for Felony, refuse to put themselves upon the common Trial of God and the County, and thereby are Mute, or as Mute in Law. See this at

at large in Staundford Pl. Cor.
fol. 150.

Mute en Ley. Veies ceo a
large en *Staundford, Pl. Cor.*
fol. 150.

Palace-Court.

Palace-Court is a Court of Re-
cord erected by King James
by his Letters Patents, and
held at Southwark, and is a
Court of Common Law. See
Marshallsea.

Palace-Court.

Palace-Court est un Court de
Record erect per le Roy
James, per ses Letters Patents
teigne a *Southwark*, & est un
Court de Common Ley. Veies
Marshallsea.

Pannage.

Pannage. See Paunage.

Pannage.

Pannage. Veies *Paunage.*

Panel.

Panel comes of the French
Word *Panne*, that is, a Skin,
and signifies in our Common
Law a Schedule or Roll con-
taining the Names of the Ju-
rors which the Sheriff hath re-
turned to pass upon any Trial.
And therefore the Empanelling
of the Jury is Nothing but the
Entring of their Names into
the Sheriff's Roll.

Panel.

Panel venust del parol *Fran-*
cois Panne, id est, *Pellis*,
& signifie en nostre Common
Ley un Schedule ou Rolle
que contene les nosmes des
Jurors queux le Viscount ad
retorn de passer sur ascun
Trial. Et pur ceo le *Impan-*
neller del Jury nest riens fors-
que le Entry de lour nosmes
en le Rolle le Viscount.

Pape, or Pope.

Pape (Papa) is a Name that
signifies Father, and ancient-
ly was applied to other Clergy-
men in the Greek Church; but
by Usage is particularly ap-
propriated in the Latin Church
to the Bishop of Rome. A
Name very frequent in our an-
cient *Heathen* Books, especially in
the Times of those Kings, who
too much abandoning their Im-
perial Authority, and abasing
themselves beneath their Estate,
suffered an Alien, an Outlandish
Bishop that dwelt 1000 Miles off,
to take from them the Disposi-
tion of many Spiritual Prefer-
ments, sometimes by Lapse,
sometimes by Provision, or o-

Pape.

Pape (Papa) est un nosme
que signifie *Pater*, & anci-
entment fuit apply al auter
Clergy-men en le *Greek* Eglise;
mes per usage est particulier-
ment approprie en *Latine* Es-
glise al *Evesque de Rome*: Un
nosme mult frequent en nostre
Annuels Livres, specialment
en le temps de ceux Roys,
queux grandment abandonants
leur Imperial Authoritie, &
abasans eux mesmes debase
lour Estate, suffer un Alien,
un outlandish *Evesque*, que
inhabit 1000 miles d'eux, de
toller de eux le disposition de
pluseur Spiritual Preferments,
ascun temps per Lapse, & as-
cun temps per Provision, ou

autrement. Pur redress de quel divers Statutes ont este fait pendant que le Royalme fuit de la *Roman* Communion ; mes tout son Povoit ne fuit rolle jefque vers la fin del Reigne de Roy Henry le huiet.

Paramount.

P*aramount* est un parol compound des deux parols *Francois*, (*par*, i. e. *per*, & *monter*, i. e. *ascendere*,) & signifie en nostre Ley le plus Hault Seigneur del Fee. Pur le melieur entelligence de ceo, veies *F. N. B. f. 135. M.* en son Brief de *Mefne*.

Paraphernalia.

P*araphernalia*, Græce Παρά-
σημα a παρά prater, & σέπν dos. Quare *Paraphernalia* sunt bona quæ sponsa secum fert prater constitutam dotem. 1 Cro. D. *Hastings* vers *Douglas*.

Paravaile.

P*aravaile* est un parol que auxy est compound de deux parols *Francois*, (*par*, i. e. *per*, & *availer*, i. e. *dimittere*;) & signifie en nostre Ley le plus Base Tenant del Fee, que est Tenant al un que tenust ouster del auters. Veies per le use de cest parol *F. N. B.* en son Brief de *Mefne*, f. 135. M.

Parceners

P*arceners* sont solonque le course de common Ley, & solonque le Custome. *Parceners* solonque le *Common Ley* sont, lou un seisie de un Estate de enheritance des Tenements ad issue forsque Files, & devie, & les Tenements discendent a les Files ; donque els sont

therwise. For Redress wherof divers Statutes were made while the Kingdom was of the Roman Communion ; but his whole Power was not taken away till towards the latter End of Henry the Eighth's Reigne.

Paramount.

P*aramount* is compounded of two French Words (*par* and *monter*;) and it signifies in our Law the highest Lord of the Fee. For the better Understanding of this, see *F. N. B. f. 135. M.* in his Writ of *Mefne*.

Paraphernalia.

P*araphernalia*, in Greek Παρά-
σημα a παρά prater, & σέπν dos. They are Goods which a Wife challengeth above her Dowry. 1 Cro. Lord *Hastings* against *Douglas*.

Paravail.

P*aravail* is also compounded of two French Words (*par* and *availer*;) and signifies in our Law the lowest Tenant of the Fee, who is Tenant to one that holds over of another. See for the Use of this Word *F. N. B.* in his Writ of *Mefne*, f. 135. M.

Parceners.

P*arceners* are according to the Course of the Common Law, and according to Custom. *Parceners* according to the Common Law are, where one seised of an Estate of Inheritance of Tenements hath no Issue but Daughters, and dies, and the Tenements descend to the Daughters;

ters ; then they are called *Parceners*, and are but as one Heir. The same Law is, if he have not any Issue, and that his Sisters should be his Heirs. But if a Man hath but one Daughter, she is not called *Parcener*, but the Daughter and Heir. And if there are no Daughters nor Sisters, the Land shall descend to the Aunts, and they are called *Parceners*.

When Lands descend to divers *Parceners*, they may make Partition between themselves by Agreement ; but if any of them will not make Partition, then the other shall have a Writ de Partitione facienda directed to the Sheriff, who shall make Partition between them by the Oath of xii lawful Men of the Bailiwick.

Also Partition by Agreement may be made by the Law, as well by Word without Deed, as by Deed. And if they are of full Age, the Partition shall remain for ever, and shall never be defeated.

But if the Lands be to them in Tail, though they are concluded during their Lives, yet the Issue of him who hath the lesser Part in Value may disagree from the Partition ; and enter and occupy in common with the other Part. And if the Husbands of the *Parceners* make Partition, when the Husband dies, the Wife may disagree from the Partition. Also if the *Parcener*, who is within Age, makes Partition, when she comes to full Age she may disagree. But she must take good Heed when she comes to her full Age, that she take not all the Profits to her own Use of the Lands which were to her allot-

appel *Parceners*, & sont forsque un Heire. Mesme le Ley est, si neyt ascun Issue, & que ses Soers ferroient ses Heires. Mes si home ad forsque un File, el nest dit *Parcener*, mes la File & la Heire. Et si ne sont Files ne Soers, les Terres descenderont a les Aunts, & els sont *Parceners*.

Quand Terres descendent a divers *Parceners*, els poient faire Partition enter eux per Agreement ; mes si ascun de eux ne voient faire Partition, donque les auters averont un Briet de partitione facienda direct al Viscount, que ferra Partition enter eux per le serement de xii loyals homes de sa Bailiwiki.

Auxy Partition per Agreement poiet estre fait per le Ley, auxy bien per Parol sans Fait, come per Fait. Et s'ils sont de pleine age, la Partition tous jours demurra, & ne ferra unques defete.

Mes si les Terres sont a eux en le taile, coment que ils sont conclude durant leur vies, uncore le Issue cestuy que ad le meinder part en value poit disagree a la Partition, & enter & occuper en common ovesque le auter part. Et si les Barons des *Parceners* font Partition, quand le Baron devie la Feme poit disagree a la Partition. Auxy si le *Parcener* que est deins age fait Partition, quand el vient a son pleine age el poit disagree. Mes el covient bien garder quand el vient a son pleine age, que el ne preigne tous les Profits a son use demesne des Terres que fueront a luy allotres ;

car donques el soy agree al le Partition : Et le plein age sera tous foits entende al age de 21 ans.

Auxy si sont divers Parceners que ont fait Partition enrer eux, & le part de un soit recover vers luy per Title loyal ; donques el compellera les auters de faire novel Partition.

Parceners solongue le *Custom* sont, lou home est seisie de Terres en *Gavelkind*, come en *Kent*, & auters lieux franchises, & ad issue divers Fits, & devie ; donque les Fits sont *Parceners per le Custom*.

Parco fracto.

Parco fracto est un Brief que gist vers cestuy que enfreint ascun Pound, & prist hors de ceo ascuns avers queux sont la loyalment impounds. Veies de ceo *F. N. B. f. 100. E.*

Park.

Park est un lieu en que per prescription ou per grant de Roy, un Subject preserve son game des avers *fera natura*. Veies *Stat. Westm. 1. 3 E. 1. cap. 20.*

Parliament.

Parliament. Veies le Seignior *Coke's 4. Institut.* & Monsieur *Cowel's Interpreter*, title *Parliament*.

Parson imparsonee.

Parson imparsonee est cestui que est en possession de un *Eglise* approprie ou presentative ; car illint est use en ambideux cases en *Dyer, f. 40. b. & f. 221. b.*

ted ; for then she agrees to the Partition : And the full Age shall always be intended the Age of one and twenty Years.

If there be divers *Parceners* that have made Partition between them, and one of their Parts is recovered by lawful Title ; then she shall compel the other to make a new Partition.

Parceners according to Custom are, where a Man is seised of Lands in *Gavelkind*, as in *Kent*, and other Places franchised, and hath Issue divers Sons, and dies, then the Sons are *Parceners* by Custom.

Parco fracto.

Parco fracto is a Writ that lies against him that breaks any Pound, and takes out the Beasts which are there lawfully impounded. See of this *F. N. B. 100. E.*

Park.

Park is a Place in which by Prescription or by the King's Grant, a Subject preserves his Game of Beasts *fera natura*. See *Stat. W. 1. 3 E. 1. cap. 20.*

Parliament.

Parliament. See the Lord *Coke's 4th Institutes*, and Mr. *Cowel's Interpreter*, Title *Parliament*.

Parson imparsonee.

Parson Imparsonee is he that is in Possession of a Church appropriate or presentative ; for so it is used in both Cases in *Dyer, f. 40. b. and f. 221. b.*

Parties.

Parties to a Fine or Deed are those which are named in a Deed or Fine as Parties to it; as those that leby the Fine, and they to whom the Fine is lebyed. And they that make a Deed of Feoffment, and they to whom it is made, are called Parties to the Deed: And so in many other like Cases.

Note, that if an Indenture be made between two as Parties thereto in the Beginning, and in the Deed one of them grants or lets a Thing to another who is not named in the Beginning, he is not Party to the Deed, nor shall take any Thing thereby.

Partition.

Partition is a Dividing of Lands descended by the Common Law, or by Custom among Co-heirs or Parceners, where there are two at least, whether they be Sons, Daughters, Sisters, Aunts, or otherwise of kin to the Ancestour from whom the Land descended to them.

And this Partition is made four Ways for the most Part; whereof three are at Pleasure and by Agreement among them, the fourth is by Compulsion.

One Partition by Agreement is, when they themselves divide the Land equally into so many Parts as there are of them Coparceners, and each to chuse one Share or Part, the Eldest first, and so the one after the other, as they be of Age; except that the eldest by Consent made the Partition, then the Choice belongs to the next, and so the eldest last, according as it is said, Who makes the Partition, the other must have the Choice.

Parties.

Parties al Fine ou Fait sont ceux queux sont nommes en Faits ou Fines come Parties a ceo; come ceux queux levie le Fine, & ils a que le Fine est levie. Et ils que font un Fait de Feoffment, & ils a que il est fait, sont appellees Parties al Fait: Et issint en auters semblables cases.

Nota, que si un Indenture soit fait enter deux come Parties a ceo en le commencement, & en le Fait un de eux granter ou lessa un chose al un auter que nest nosme en le commencement, il nest Partie al Fait, ne prendra riens per ceo.

Partition.

Partition est un Division de Terres descendus per le Common Ley, ou per Custom, perenter Coheirs ou Parceners, ou ils sont deux al meines, soient ils Fitz, Fils, Soers, Aunts, ou autrement de kin al Ancestour de que le Terre discende al eux.

Et cest Partition est fait quater voies pur le plus part; de que trois sont al pleasure & per Agreement perenter eux, le quart est per Compulsion.

Un Partition per Agreement est, quand ils mesmes divide le Terre equalment en tants parts come la sont de eux Coparceners, & chescun de eslier un share ou part, le eigne primerment, & issint le un apres le auter, come ils sont de age; si non que le eigne per consent fait le Partition, donques le Election appartient al procheine, & issint al eigne, darreinement, accordant come il est dit, *Cujus est Partitio, alterius est Electio.*

Un autre *Partition per Agreement* est, quand ils eslient certain de leur Amies de faire Division per eux.

Le tierce *Partition per Agreement* est, per trahens de Lots, issint : Primerment de divider le Terre en tants des parts come la sont *Parceners* ; donques a scribe chescun part severalement en un petit Scroll, ou peece de paper ou parchement, & de mitter ceux Scrolls close en un Hat, Cap, ou autre tiel semblable chose ; & donques chescun *Parcener*, un apres autre, come ils sont de age, a traher un peece ou Scroll en que est escript un part del Terre, que per cest Trahens est ore severalement allotte a eux en Fee-simple.

Le quart *Partition*, que est *per Compulsion*, est, lou un ou ascun des les *Coparceners* voient aver *Partition*, & autres ne voient agreer a ceo ; donques ceux que issint voient aver *Partition* poyent porter un Brief *De Partitione facienda* envers les autres queux ne voient faire *Partition*, per vertue dequel ils seront compell de parler, &c.

En *Kent*, lou les Terres sont de *Gavelkind*-nature, ils appel a cest jour leur *Partition Shift-ing*, il mesme parol que les *Saxons* use, nismement *Shiftan*, que signifie pur fair *Partition* perenter Coheires, & pur assigner a chescun de eux leur portion. En *Latins* est appelle *Herciscere*.

Partition auxy poit estre fait per Joyntenants ou Tenants en common per leur assent, per Fait enter eux, ou per Brief, per les Statutes de 31 H. 8. c. 1. & 32 H. 8. c. 32.

Another *Partition* by *Agreement* is, when they chuse certain of their Friends to make Division for them.

The third *Partition* by *Agreement* is by drawing Lots, thus : First, to divide the Land into so many Parts as there are *Parceners*; then to write every Part severally in a little Scroll, or Piece of Paper, or Parchment, and put the same Scroll up close into a Hat, or Cap, or other such like Thing ; and then each *Parcener*, one after another as they are in Age, to draw one Piece or Scroll wherein is written a Part of the Land, which by this Drawing is now severally allotted to them in Fee-simple.

The fourth *Partition*, which is by *Compulsion*, is when one or some of the *Coparceners* would have *Partition*, and other some will not agree thereto ; then they that so would have *Partition* may bring a Writ *De Partitione facienda* against the others that would not make *Partition*, by Virtue whereof they shall be compelled to part, &c.

In *Kent*, where the Lands are of *Gavelkind*-Nature, they call at this Day their *Partition Shift-ing*, even the same Word that the *Saxons* used, namely *Shiftan*, which signifies to make *Partition* between Coheirs, and to assign to each of them their Portion. In *Latin* it is called *Herciscere*.

Partition also may be made by Jointenants or Tenants in common by their Assent, by Deed between them, or by Writ, by the Statutes of 31 H. 8. cap. 1. and 32 H. 8. cap. 32.

Palport.

Pasport.

PAsport is a Word mentioned in the Statute of 2 E. 6. cap. 2. and signifies a Licence made by any that hath Authority, for the safe passage of any Man from one Place to another.

Patron.

PAtron is he that hath the Advowson of a Parsonage, Vicarage, Free-chapel, or such like Spiritual Promotion, belonging to his Manor, or otherwise in gross, and thereby may or ought to give the same Benefice, or present thereto when and as often as it becomes void. And this being Patron or Patronage, had beginning for the most part by one of these three ways: Namely, either by reason of the Foundation, for that the Patron or his Ancestors, or those from whom he claims, were Founders or Builders of the Church; or by reason of Donation, for that they did endow or give Lands to the same for maintenance thereof; or else by reason of the Ground, because the Church was set or built upon their Soil or Ground: And many Times by reason of all three.

Paunage or Pannage.

PAunage or **Pannage**, is that money which the Agistors of Forests do gather for the feeding of Hogs within the Forest: And it is also taken for all manner of Mast of Trees within the Forest on which the Hogs do feed. See Manw. For. Laws, chap. 12. fol. 90. a.

Pasport.

PAsport est un parol mentionné en le Statute 2 E. 6. cap. 2. & signifie un Licence fait per asc' que ad authority, pur le safe passage de ascun home del un lieu al autre.

Patron.

PAtron est celuy que ad l'Advowson d' un Parsonage, Vicarage, Frank-chappel, ou tiel sembl' Spiritual Promotions, appartient a son Mannor, ou autrement en grosse, & per ceo poit ou doit doner mesme l' Benefice, ou present a ceo, quant & cy tost que il devient voide. Et cest esteant Patron, ou Patronage, ad commencement pur l'pluis part per un de ceux troyes voyes: nismement, ou *ratione Foundationis*, pur ceo que l' Patron ou ses Auncestors, ou ceux de que il claime, fueront Founders ou Edifiers de l' Esglise; ou *ratione Donationis*, pur ce que ils endowe ou done Terres al ceo pur maintenance; ou autrement *ratione Fundi*, pur ceo que le Esglise suit mis ou edifie sur lour soile ou rerre: & divers temps per reason de tous trois.

Paunage ou Pannage

PAunage ou **Pannage**, (*Pannagium*) est ceo argent que les Agistors des Forrests collect pur l' feeder des Porcels deins l' Forrest, & est auxy prise per tous manners del Mast des arbres deins l' Forrest, de que les Porcels feed. Veies Manw. For. Laws, c. 12. f. 90. a.

Peculiar.

Peculiar.

P*eculiar* est un particular Parish ou Eglise que avoit Jurisdiction deins luy mesme pur probat de Testaments exempts des Courts del Ordinary ou Evefque.

Peers.

P*ears* sont ceux que sont impannels en un Enquest sur ascun home, pur l' convicter ou acquiter d' luy d' asc' offence pur que il est en question. Le reason d' ql' appellation de Jury est pur ceo, que *Peers* venust del *Latin Pares*, id est, *Egals*; & le Custome de nostre Nation est, pur trier chescun home per ses *Egals*, cestascavoire, per ses *Peers*. Et issint appiert per l' Statutes de *Mag. Charta cap. 29.* & *West. 1. cap. 6.* Cest parol est auxy use pur le Nobility del Realm & les Seigniors del Parliament, queux sont apelles *les Peers del Realm*. Et de ceo veies *Staundf. Pl. Coron. lib. 3. cap. 1. fol. 152.*

Perambulatione facienda.

P*erambulatione facienda* est un Brief que gist lou 2 Seignories gisent un pres l'auter, & ascun Encroachment est fait per long temps; donques per assent de ambideux Seigniors, l' Viscount prendra ovesque luy les parties & les vicines, & fieront *Perambulation*, & fieront les Metes come ils fueront a devant. Mes si un Seignior encroach sur l'auter, & ne voile faire *Perambulation*, donques le Seignior issint

Peculiar.

P*eculiar* is a particular Parish or Church, that hath Jurisdiction within it self, for Probate of Wills, &c. exempt from the Ordinary or Bishop's Courts.

Peers.

P*ears* are those that are impannelled in an Enquest upon any Man, for the Convicting or clearing him of any Offence for which he is called in question. The reason of which appellation of the Jury is, for that *Peers*, comes for the *Latin Pares*, that is, *Equals*; and the Custom of our Nation is, to try every Man by his Equals, that is to say, by his *Peers*. And so it appears by the Statutes of *Magna Charta, cap. 29.* & *West. 1. cap. 6.* This word is also used for the Nobility of the Realm and Lords of the Parliament, who are called the *Peers of the Realm*. And of that see *Straundf. Pl. of the Crown, lib 3. cap. 1. fol. 152.*

Perambulatione facienda.

P*erambulatione facienda* is a Writ that lies where two Lordships lie one nigh another, and some Encroachment is made by long Time; then, by Assent of both Lords, the Sheriff shall take with him the Parties and the Neighbours, and shall make *Perambulation*, and shall make the Bounds as they were before. But if a Lord encroach upon another, and he will not make *Perambulation*, then the Lord so grieved shall have a Writ against

gainst the other, which is called
de Rationabilibus divisis.

grieve avera Brief vers lauter,
que est appelle de Rationabilibus
divisis.

Perinde valere.

Perinde valere is a Term that
belongs to the Ecclesiastical
Law, and signifies a Dispensati-
on granted to a Clerk, who not
being capable of a Benefice or
other Ecclesiastical Function, is
de facto admitted to it. And it
hath the Name from the Words
which make the Faculty as effec-
tual to the Party, as if he were
actually capable of the Thing for
which he hath his Dispensation
at the Time of his Admittance.

Perjury.

Perjury is a corrupt or volun-
tary false Oath given in
Chancery, or in Evidence to a
Jury upon Trial of an Issue at
Common Law. See Stat. 5.
El. cap. 9.

Per my & per tout.

A Joint-Tenant is said to be
seised of the Lands that he
holds joyntly, per my & per tout,
i. e. he is seised by every parcel,
and by the whole.

Pernor of profits.

Pernor of Profits is he that
takes the Profits. Pernor of
Profits and Cestuy que use is all
one, Coke, lib. 1. Casu Chudley.
fol. 123.

But one may be Pernor of &c.
and not Cestuy que use by Title
but by Covin, which see Co. 5. 77.
78. Co. Ent. 698. 2 Leo. rep. 16.
2 Anderson. 25. Stat. 11 H. 6. 3.

Perinde valere.

Perinde valere est un terme
que appent al ley Ecclesi-
astical, & signifie un dispensa-
tion graunt al un Clerk, que
nestant capable de'un Benefice
ou auter Ecclesiastical Functi-
on est de facto a ceo admit. Et
avoit cest appellation des parols
que font l' faculty cy effectual
al party, sicome il fuit actual-
ment capable del chose per
que il ad son Dispensation al
temps de son admittance.

Perjury.

Perjury est un corrupt ou vo-
luntary faux serement done
en Chancery ou en Evidence
al Enquest sur tryal de un issue
al Common Ley Vide Stat. 5
El. cap. 9.

Per my & per tout.

UN Joynt-tenant est dit de
estre seisie des Terres que
il tient joyntment, per my &
per tout, i. e. il est seisie per
chescun parcel & per tout.

Pernor de Profits.

Pernor de Profits est il que
prendre les Profits. Pernor
de Profits & Cestuy que use est
tout mesme, Coke lib. 1. Casu
Chudley, fol. 123.

Mes un poit estre pernor, &c.
& non cestuy que use per title
mes per Covyn, quel veies
Coke 5. 77, 78. Co. Ent. 698.
2 Leo. rep. 16. 2 Anderson. 25.
Stat. 11 H. 6. 3.

Perpetuity.

Perpetuity.

PERpetuity est use en Ley ou un estate est issint design destre settle en tail, &c. que ceo ne poet este defait ou anient. Quel le state Angleterre ne poit porter, come est dit in fine casus, *Moo. rep.* 809. 810. *Cok* 1. 84. 130. *Co.* 6. 40. & *lib.* 8. 90.

Per quæ servitia.

PER quæ servitia est un Brief judicial, que issiust del Note d'un Fine: & gist pur l'Conusee d'un Mannor ou Seignior, pur compel cestuy que est Tenant del Terre al temps del Fine levy pur attorne a luy. Et de cest Brief veies *Vieux N. B fol.* 170. a.

Perquisites.

PERquisites sont Advantages & Profits queux vient al un Mannor per casualty, & non annuellement; come Escheats, Harriots, Reliefs, Waifes, Estrays, Forfeitures, Amerciaments en Courts, Biens & Terres purchase per Villeins de mesme l' Mannor, Fines del Copiholds, & divers semblables choses queux ne sont certaine, mes happe per chance, ascun temps puis oven que a auter temps. Vide *Perkins fol.* 20. & 21.

Personalty.

PERsonalty: come le Action est en le Personalty, cest asavoir, port envers le droit person, ou le person envers quel en Ley il gist.

Petit Cape.

PETIT Cape est un Brief que gist quant ascun Action

Perpetuity.

PERpetuity is used in Law where an Estate is so designed to be settled in Tail, &c. that it cannot be undone or made void. Which the State of England cannot bear, as it is said in the End of the Case, *Moo. rep.* 809, 810. *Co.* 1. 84. 130. *Co.* 6. 40. & 1. 8. 90.

Per quæ servitia.

PER quæ servitia is a Writ Judicial, and goes out upon the Note of a Fine; and it lies for the Conusee of a Manor or Seignior, to compel him that is Tenant of the Land at the Time of the Fine levied to attourn to him. And of this Writ see the Old N. B. f. 172. a.

Perquisites.

PERquisites are Advantages and Profits that come to a Manor by Casualty, and not yearly; as Escheats, Heriots, Reliefs, Waifs, Estrays, Forfeitures, Amerciaments in Courts, Goods and Lands purchased by Villains of the same Manor, Fines of Copiholds, and divers other like Things that are not certain, but come by Chance, sometimes more often than at other times. See *Perkins*, fol. 20. & 21.

Personalty.

PERsonalty: As the Action is in the Personalty, that is to say, brought against the right Person, or the Person against whom in Law it lies.

Petit Cape

PETIT Cape is a Writ that lies when any Actions Real, that

is to say, of Plea of Land, is brought, and the Tenant appears, and afterward makes Default; then this Petit Cape shall go forth to seise the Lands into the King's Hands. But if he appears not at the first Summons, then a Grand Cape shall go forth; and for such Default the Tenant shall lose the Land. But if he wage his Law of Non-summons, he shall save his Default, and then he may plead with the Demandant. And in Grand Cape the Tenant shall be summoned to answer to the Default, and farther to the Demandant: But in Petit Cape he shall be summoned to answer to the Default only, and not to the Demandant. And it is called Petit Cape for that there is less in this Writ than in the other.

Petit Serjeantie.

TH hold by Petit Serjeantie is as if a Man held Lands or Tenements of the King yielding him a Knife, a Buckler, an Arrow, a Bow without string, or other like Service at the Will of the first Feoffor; and thereto belong not Ward, Marriage or Relief. And mark well that a Man may not hold by Grand or Petit Sejeanty, but of the King. See the Stat. 12 Car. cap. 23.

Petit Treason.

Petit Treason is a Treason of a lower Degree; as if a Servant kill his Master, a Wife her Husband, or a Religious Man his Prelate.

Real, cestascavoir, de Plee de Terre, est port, & le Tenant appeare, & puis fait Default; dnpques issira cest *Petit Cape*, de seiser les Terres, in mains le Roy. Mes si fil ne appeare al primer Summons, donques issira un *Grand Cape*, & pur tiel Default le Tenant perdra la Terre. Mes si fil gage son Ley de Non-summons, il saver son Default, & donques il poit plede ovesque le Demandant. Et in *Grand Cape*, le Tenant ferra summon pur responder al Default, & ouster al Demandant. Mes en *Petit Cape* il ferra summon pur responder al Default seulement, & nemy al Demandant. Et est appelle *Petit Cape*, pur ceo que il ad *minus* en cel Brief que en l'auter.

Petit Serjeantie.

Tener per *Petit Serjeantie* est sicome un home tient de Roy Terres ou Tenements, rendant a luy un Cuttel, un Escue, un Sette, un Arc sans cord, ou auter semble Service, a la volunt le primer Feoffor; & la nappent Gard, Marriage ne Relief. Et nota que home ne poit tener per Grand Sejeantie ne per *Petit Serjeantie*, si non del Roy. Veies le Stat. 12. Car. 2. cap. 24.

Petit Treason.

Petit Treason est un Treason de meinder degree; come si Servant tue son Maistre, un Feme sa Baron, ou un home de Religion son Prelate.

Pettybag.

Pettybag est un Office en le Court de Chancery pur suits, pur & envers les Attornies & Officers de cel Court. Et pur process & proceedings per extents sur Statutes & Recognizances, *Ad quod dampnum, &c. Parva бага dicitur.*

Picage.

Picage (*Picagium*) est le payement des deniers, ou les deniers, paies pur le infriender del foile pur erecter Tents ou Settles en Faires.

Picle, Pitle, or Pightel.

CEO semble de vener del *Italian Piccolo, Parvus*, & signifie ovesque nous un Petit Close ou Inclosure.

Pillory.

Pillory est un Engine del penance ordeine per le statute de 51 H. 3. pur le punishment des Pishors; mes a ore use pur plusors auters Offendors. Et est appel en Latine *Collistrigium*.

Pipowders.

Pipowders est un Court que est incident a chescun Faire, pur le determination de differences sur contract & tous disorders en ceo commise. Veies pluis de ceo *Cromp. Jurisd. fol. 229. Coke, lib. 10. fol 73.*

Piscary.

Piscary est un Liberty del Pischer en le eve de un auter: ou de soy mesme.

Pettybag.

Pettybag is an Office in the Court of Chancery, for Suits for and against Attorneys and Officers of that Court; And for Process and Proceedings by Extents on Statutes, Recognizances, *Ad quod dampnum, &c. Parva бага dicitur.*

Picage.

Picage is the Payment of Money, or the Money paid for the Breaking of the Ground to set up Booths and Standings in Fairs.

Picle, Pitle, or Pightel.

This seems to come from the Italian *Piccolo, Parvus*, and signifies with us a little small Close or Inclosure.

Pillory

Pillory is an Engine of Punishment ordained by the Statute of 51 H. 3. for the Punishment of Bakers; but now used for many other Offendors, and is called in Latin *Collistrigium*.

Pipowders.

Pipowders is a Court which is incident to every Fair for the Determination of Differences upon Bargains, and all Disorders committed therein. See more hereof *Crom. Jurisd. fol. 229. Coke, lib. 10. fol. 73.*

Piscary.

Piscary is a Liberty of Fishing in another Man's Waters, or his own.

Placard.

PLacard is a Word used in the Statute of 33 H. 8. cap. 6. & 2 & 3 Ma. cap. 9. and it signifies a Licence to use unlawful Games, or to shoot in a Gun.

Placard.

PLacard est un parol use en les Statutes de 33 H. 8. cap. 6. & 2 & 3 M. cap. 9. & signifie un Licence pur user illoyal Games, ou de shooter en un Bombarde,

Plaintiff.

PLaintiff is he that sues or complains in an Assise, or in an Action personal; as in an Action of Debt, Trespas, Detinue, and such other.

Plaintiff.

PLainiff est celuy que sue ou complainte en un Assise, ou en un Action Personal, come en un Action de Det, Trespas, Desceit & Detinue, & tiels semblables.

Pledges.

PLedges are Sureties either real or formal, which the Plaintiff finds to prosecute his Suit.

Pledges.

PLedges sont Sureties ou real ou formal, queux le Plaintiff trove a prosecute son Suit.

Pleading.

Pleadings are all the Sayings of the Parties to Suits after the Count or Declaration; namely, that which is contained in the Bar, Replication, and Rejoinder; and not that contained in the Count itself; and therefore Defaults in the Matter of Count are not comprised within Mispleading, or insufficient Pleading, nor are remedied by the Statute of Jeofails, 32 H. 8. but only the Mispleading or insufficient Pleading committed in the Bar, Replication and Rejoinder, are there provided for. But see those now remedied also by the Statute of 18 Eliz. cap. 13.

Pleading.

PLEadings sont tous Acts del Parties al Suits apres le Count ou Declaration; nosmelement ceo que est containe en le Barre, Replication, & Rejoinder, & non ceo containe en le Count mesme; & pur ceo Defaults en le matter del Count ne sont comprise deins Mispleading, ou insufficient Pleading, ne sont remedie per le Statute de Jeofails, 32 H. 8. mes seulement ceo mispleading ou insufficient Pleading commit en le Barre, Replication, & Rejoinder, sont la provide. Mes veies ceux auxy ore remedies per le Statute 18 Eliz. cap. 13.

Plegiis acquietandis.

PLEgiis acquietandis is a Writ that lies for a Surety against him for whom he is Surety, if the Money be not paid at the Day. Fitz. N. B. 137. Reg. Brev. 158.

Plegiis acquietandis.

PLEgiis acquietandis est un Brief que gist pur un Surety vers luy pur que il est Surety, si il ne pay les deniers al temps, Fitz. N. B. 137. Reg. Brev. 158.

Plenartie.

Plenartie est, quand un Benefice est *plene*, directement opposite al Vacation que signifie le avoidance del un Benefice. *Staundf. Prerog. cap. 8. fol. 32.*

Plevyn.

Plevyn. See *Replevyn.*

Pluralities.

Pluralities sont ou Vicar ou Rector avoit deux ou plusors Ecclesiastical Benefices; pur quel vide Statute, 21 H. 8. c. 13.

Pluries.

Pluries est un Brief que issuit en le tierce lieu, si le deux prior Briefs ne sont obey; car primerment issuit un Original Brief, que si ne avoit effect, donc un sicut alias; & si ceo fail, donc un Pluries. *Veil N. B. 33.*

Policy del Assurance.

Policy del Assurance est un course prise per Merchants pur les assurer de lour Adventures sur le Mer, pur doner un certain proportion per centum pur le securer del safe retourne del Neife & tant des Merchandizes sur que est agree. Et de ceo poies lier en Statute de 43 Eliz. cap. 12.

Sur quel un Action gist a common Ley ou en le Court (per literas Patentes le Roy) seant a le *Royal Exchange* en *Londere*, les Judges de quel sont Civilians, Common Lawyers & Merchants.

Plenartie.

Plenartie is, when a Benefice is full, directly contrary to Vacation, which signifies the being void of a Benefice, *Staund. Prerog. cap. 8. fol. 32.*

Plevyn.

Plevyn. See *Replevyn.*

Pluralities.

Pluralities are where a Vicar, or Rector, has two or more Ecclesiastical Benefices. For which see Stat. 21 H. 8. cap. 13.

Pluries.

Pluries is a Writ that goeth out in the third Place, if the two former Writs are disobeyed; for first issues an Original Writ, which if it do not take Effect, then a Sicut alias; and if this fail, then a Pluries. *Old Nat. Brev.*

Policy of Assurance.

Policy of Assurance is a Course taken by Merchants for the assuring of their Adventures upon the Sea, by giving a certain Proportion in the Hundzed for securing the safe Return of the Ship, and so much Merchandize as is agreed upon. And of this you may read in the Statute of 43 Eliz. cap. 12.

Upon which an Action lies at the Common Law, or in the Court (by the King's Patent) sitting at the *Royal Exchange* in *London*, the Judges of which are Civilians, common Lawyers and Merchants.

Pone.

POne is a Writ whereby a Cause depending in the County-Court is removed into the Common-Pleas. See for this Old N. B. fol. 2. a.

Pone per Vadium.

POne per Vadium is a Writ commanding the Sheriff to take Security of a Man for his Appearance at a Day assigned. Of this there are five Sorts, which see in the Table of the Register Judicial, sub hoc Verbo.

Pontage.

Pontage is a Word mentioned in many Statutes: As in Westm. 1. cap. 25. 1 H. 8. cap. 9. & 39 Eliz. cap. 24. and it signifies sometimes the Contribution that is gathered for the Repairing of a Bridge; sometimes the Toll paid by the Passengers to that Purpose.

Portgreve.

Portgreve. See Viscount.

Portmoot.

Portmoot is a Word used in the Statute of 43 Eliz. cap. 15. and signifies a Court kept in a Haven-Town.

Possessio fratris.

Possessio Fratris is where a Man hath a Son and a Daughter by one Woman, and a Son by another Woman, and dies; the first Son enters and dies without Issue, the Daughter shall have the Land as Heir to her Brother, although the

Pone.

POne est un Brief per que un Case que depend en le County-Court est remove en le Common Plees. Veies pur ceo Veil N. B. fol. 2. a.

Pone per Vadium.

POne per Vadium est un Brief direct al Viscount, commandant lui de prendre Securitie de un home pur son Appearance al jour assigne. De ceo la sont cinque Sorts, queux poiez veier en le Table del Register Judiciel, sub hoc Verbo.

Pontage.

Pontage est un parol mention en divers Statutes: Come West. 1. cap. 25. 1 H. 8. cap. 9. & 39 Eliz. cap. 24. & signifie ascun foits le Contribution collect pur le Reparation de un Pont; ascun foits le Tolle pay per passengers a ceo purpose.

Portgrive.

Portgrive. Veies Viscount.

Portmoot.

Portmoot est un parol use en le Statute de 43 Eliz. c. 15. & signifie un Court tenus en un Port-ville.

Possessio Fratris.

Possessio Fratris est ou un home ad fits & file per un venter, & un fits per auter venter, & morust, le primer fits enter & devy sans Issue, la file avera la terre, come heire a son frere coment que

le second firs est heire à son pere. *Litt. sect. 8.*

second Son is Heir to the Father. *Litt. Sect. 8.*

Possession.

Possession est deux voies ; ou actual, ou en Ley.

Actual Possession est, quand un home enter en fait en Terres ou Tenements a luy descende, ou auterment.

Possession en Ley est, quand Terres ou Tenements sont descende al un home, & il nad uncore realment, actualment, & en fait enter en eux. Et il est appelle *Possession en Ley*, pur ceo que en le oiel & consideration del Ley il est pense destre en Possession, entant que il est Tenant a chescun Action que ascun voit fuer concernant mesmes les Terres ou Tenements.

Post diem.

Post diem est le Return de un Brief apres le jour assign pur le Return de ceo.

Post disseisin.

Post disseisin. Vide de ceo devant en le Title *Affise*.

Postea.

Postea est le Record des proceedings sur un Trial per un Brief de *Nisi prius* que est returne apres le Trial per le Judge devant que fuit trie en le Court lou le Action primerment commence, dayer Judgement la done sur le Verdict ; & est appelle le *Postea* pur ceo que il commence ove *Postea die & loco*, &c.

Poundage.

Poundage est un Subsidy al value de duodize deniers en le liver, que est grant al Roy

Possession.

Possession is twofold ; either actual, or in Law.

Actual Possession is, when a Man actually enters into Lands or Tenements to him descended, or otherwise.

Possession in Law is, when Lands or Tenements are descended to a Man, and he hath not as yet really, actually, and in Deed entred into them. And it is called Possession in Law, because in the Eye and Consideration of the Law he is deemed to be in Possession, since he is Tenant to every Man's Action that will sue concerning the same Lands or Tenements.

Post diem.

Post diem is the Return of a Writ after the Day assigned for its Return.

Post disseisin.

Post disseisin. Look for that before in the Title *Affise*.

Postea.

Postea is the Record of the Proceedings upon a Trial by a Writ of *Nisi prius*, which is returned after the Trial by the Judge before whom it was tried into the Court where the first Suit began, to have Judgment there given upon the Verdict ; and it is called the *Postea*, because it begins with *Postea die & loco*, &c.

Poundage.

Poundage is a Subsidy to the Value of 12 d. in the Pound, which is granted to the King by every

every Merchant, as well Denizen as Alien, for all Manner of Merchandize carried out and brought in. And of such Subsidies see the Statute 1 & 2 Ed. 6. cap. 13. & 1 Jac. cap. 33. & 14 Car. 2. cap. 24.

Also by Stat. 29 Eliz. cap. 4. every Sheriff is allowed Poundage for levying Debt or Damages by Execution.

Pounds.

Pounds are in two Sorts; the one Pound open, the other close.

Pound open is every Place wherein a Distress is put, whether it be common Pound, or Back-side, Court-Yard, Pasture, or else whatsoever where to the Owner of the Distress may come to give them Beat, without Offence for their being there, or his Coming thither.

Pound close is such a Place where the Owner of the Distress may not come to give them Beat without Offence; as in a close House, or whatsoever else Place.

Pourpresture.

Pourpresture is the wrongful inclosing of another Man's Property. See Co. 2 Inst. 38 & 272.

Poynings Law.

Poynings Law is an Act of Parliament made in Ireland in the Time of H. 7. so called because Sir Edw. Poynings was Lord Lieutenant there at the Time of the Making thereof, by which all Statutes in England were made to be of Force in Ireland, which before were not, nor are any in Force there

per chescun Merchant cybien Denizen come Alien, pur tous manners des Merchandizes exports & imports. Et des tiels Subsidies veies le Statutes de 1 & 2 E. 6. c. 13. & 1 Jac. c. 33. & 14 Car. 2. c. 24.

Auxi per le Statute de 29 El. cap. 4. chescun Viscount est allow poundage pur levier Debt ou Damages per Execution.

Pounds.

Pounds sont en deux sorts; le un Pound overt, le autre Pound close.

Pound overt est chescun lieu en que un Distresse est mis, soit ceo common Pound, ou Back-side, Court-Yard, Pasture, ou autrement quecun-que lou le owner del Distresse poit vener a doner eux viand, sans offence pur leur esteant la, ou son vener la.

Pound close est tiel lieu lou le owner del Distresse ne poit vener a doner eux viand sans offence; come en un close meason, ou quecunque autre lieu.

Pourpresture.

Pourpresture est le tortious enclosure del property de un autre. Veies Co. 2 Inst. 38. & 272.

Poynings Law.

Poynings Law est un Act de Parliament fait en Irlande en temps H. 7. issint appel pur ceo que Sir Ed. Poynings fuit Seignior Lieutenant la al temps del fesans de ceo, per quel tous le Statutes en Engleterre fueront fait de estre de force en Irlande que devant ceo temps ne fueront, neque sont

ascun ore en force la que fueront fait en Angleterre apres tel temps, Co. 12. Rep. 190.

now which were made in England since that Time, Co. 12. Rep. 190.

Præcipe ou Præcipe in capite.

Præcipe or Præcipe in capite.

Præcipe in capite est un Brief que gist lou le Tenant tient del Roy en chiefe come de sa Corone, & il est desforce, cest adire, ouste de son Terre; donques il avera cest Brief, & il serra Close, & serra plede en le Common Banke,

Præcipe in capite is a Writ that lies where the Tenant holds of the King in chief as of his Crown, and he is desforced, that is, put out of his Land, then he shall have this Writ, and it shall be Close, and shall be pleaded in the Common Pleas.

Auxy si ascun Tenant que tient de ascun Seignior soit desforce, luy covient suer Brief de Droit Patent, que serra determine en le Court le Seignior. Mes si le Terre soit tenu del Roy, le Brief de Droit Patent serra port al Court le Roy: Et cest Brief poit estre remove de la Court de Seignior en le Countie per un Tolt, & de le Countie en Common Banke per un Pone. Ideo veies devant Titulo Droit.

Also if any Tenant that holds of any Lord be desforced, it behoves him to sue a Writ of Right Patent, which shall be determined in the Lord's Court. But if the Land be holden of the King, the Writ of Right Patent shall be brought to the King's Court: And the Writ may be removed from the Lord's Court unto the County by a Tolt, and from the County into the Common Place by a Pone. Look therefore before in the Title Droit.

Præcipe.

Præcipe.

Præcipe sont de divers sorts; Quod reddat terras, come dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat sectam ad molendinum, Quod permittat, &c.

Præcipe are of divers Sorts; Quod reddat terras, as dower, formedon, &c. debitum, bona & catalla. Quod teneat conventionem, Quod faciat sectam ad molendinum, Quod permittat, &c.

Præmunire.

Præmunire.

Præmunire est un Brief que gist lou ascun home sue ascun auter en Court Christian pur ascun chose que est determinable en le Court le Roy; pur quel grand punishment est ordain per plusieurs Statutes; cestascavoir, que

Præmunire is a Writ that lies where any Man sues another in the Spiritual Court for any Thing that is determinable in the King's Court; for which great Punishment is ordained by divers Statutes; viz. that he shall be out of the King's Protection,

tection, and put in Prison without Bail or Mainprise, till he have made Fine at the King's Will, and that his Lands and Goods shall be forfeited if he come not within two Months. And his Provisors, Procurators, Attorneys, Executors, Notaries and Maintainers, shall be punished in the same Manner. Therefore look the Statute.

Also some say, if a Clerke sue another Ban in the Court of Rome for a Thing Spiritual, where he may have Remedy within the Realm in the Court of his Ordinary, that he shall be within the Case of the Statute.

And upon divers other Offences is imposed by Statutes lately made, the Penalty that they incur who are attained in *Præmunire*: As by 13 Eliz. cap. 8. they who are aiding to make a corrupt Bargain whereupon Usury is reserved above 1 l. in the Hundred for a Year, &c.

Preamble.

Preamble takes his Name of the Preposition (*Præ*) before, and the Verb (*ambulo*) to go; so joyned together, they make the compound Verb (*præambulo*) to go before; and hereof the first Part or Beginning of an Act is called the Preamble of the Act, which is a Key to open the Minds of the Makers of the Act, and the Mischiefs which they intend to remedy by the same. As for Example, the Statute made Westm. the first, the 37 chap. which gives an Attaint, the Preamble of which is thus: Forasmuch as certain People of the Realm doubt very little

il sera hors de protection le Roy, & mis en prison sans Baile ou Mainprise, tanque il ad fait Fine al volunt le Roy, & que ses Terres & chateaux seront forfeits si il ne veigne deins deux mois. Et son Provisors, Procurators, Attornies, Executors, Notaries, & Maintainers, seront punish en mesme le manner. Ideo *vide Statutum*.

Auxy ascuns dient, que si un Clerke sue auter home en Court de Rome pur chose Spiritual, lou il poit aver remedie deins cest Realme en Court son Ordinaire, que il sera en le case de le Statute.

Et sur divers autres offences est impose, per Statutes depuis fait, le penaltie que eux incurre queux fueront attaints en *Præmunire*: Come per 13 *El. cap. 8.* ceux que aidont a faire corrupt Bargain, sur que Usurie est reserve ouster 10 l. en le Hundred pur le an, &c.

Preamble.

Preamble ad son nosme de le preposition (*præ*) devant, & le verb (*ambulo*) pur *vuer*; issint joynt ensemble, ils font un compound verb (*præambulo*) pur *vuer devant*; & de ceo le primer part ou commencement de un Act est appelle le Preamble de le Act, le quel est un cliffe de overer les ments del feafors del Act, & les mischiefs que ils entende de remedie per ceo. Come pur example, le Statute fait al *Westm.* le primer, le 37 *cap.* que done Attaint, le Preamble de que est issint: Pur ceo que ascuns gents de la Terre dout-

ant meins faux Serement faire, que faite ne duissent, per que multes des gents son disherites, & perdont lour droit; Purvey, &c.

Prebend & Prebendary.

PREBEND & PREBENDARY sont parols plusors fois usés en nostre Livres, & ils veignent del Latine (*Præbeo*) *Prebend* est ceo part ou portion que chescun member ou Canon d'un Cathedral Esglise receive en le droit son lieu pur son maintenance; & *Prebendary* est cestuy que avoit tiel *Prebend*.

Predial Dismes.

PREDIAL DISMES sont ceux que sont pay de choses queux viennent de Terre solement, come Bles, Fene, Fruits des Arbres & tiels semblables.

Preignotary.

PREIGNOTARY est compound des deux parols *Latinoes* (*præ* & *Notarius*;) & est use en nostre Ley pur le chief Clerks des Courts le Roy, dont la est un en Banke le Roy, & trois en le Common Banke. Cestuy en Banke le Roy record tous Actions Civils sues en ceo Court: Et ceux del Common Banke inrolle tous Declarations, Pleadings & Judgments, & font hors tous judicial Briefs, ils inrolle tous Fines & Recognizances, & exemplifient tous Records mesme le Terme devant que les Rolles sont bail hors de lour mains. En 15 E. 4. 26. b. Cest Officer est appel *Præsignator*: Et un des trois en Common Banke, *Præsignator pauperum*.

to give false Verdicts or Oaths, which they ought not to do, whereby many People are disherited, and lose their Right; It is provided, &c.

Prebend and Prebendary.

PREBEND and PREBENDARY are Terms often used in our Books, and they come of the Latin (*præbeo*) *Prebend* is that Portion which every Member of Canon of the Cathedral Church receives in Right of his Place for his Maintenance: And *Prebendary* is he that hath such a *Prebend*.

Predial Tithes.

PREDIAL TITHES are such as are paid of Things that proceed from the Ground only, as Corn, Hay, Fruits of Trees and such like.

Preignotary.

PREIGNOTARY is compounded of two Latin Words (*præ* and *Notarius*;) and is used in our Law for the chief Clerks of the King's Courts, whereof there is one in the King's Bench, and three in the Common Pleas. He in the King's Bench records all Actions Civil sued in that Court: And they of the Common Pleas inrol all Declarations, Pleadings, and Judgments, and make out all Judicial Writs; they inroll all Fines and Recognizances, and exemplify all Records the same Term before the Rolls are delivered out of their Hands. In 15 E. 4. 26. b. This Officer is called *Præsignator*: And one of the three in the Common Bench *Præsignator pauperum*.

Premiffes.

Premiffes. See Habendum.

Prender.

Prender is the Power or Right of Taking a Thing before it be offered ; from the French prendre, i. e. accipere.

Prescription.

Prescription is, when a Man claims any Thing, because he, his Ancestors or Predecessors, or they whose Estate he hath, have had or used it all the Time whereof no Memory is to the contrary.

But one may not prescribe against a Statute, except he have another Statute that serves for him.

Presentment.

Presentment is of two Significations. One is to a Church ; as when a Man hath Right to give any Benefice Spiritual, and names the Person to the Bishop to whom he will give it, and makes a Writing to the Bishop for him, that is a Presentation or Presentment. If divers Coheirs cannot agree in Presentment, the Presentee of the eldest shall be admitted. But if Joyntenants and Tenants in common agree not within six Months, the Bishop shall present by Lapse.

The other is a Presentment or Information by a Jury in a Court, before any Officer who hath Authority to punish any Offence done contrary to the Law.

Premiffes.

Premiffes. Veies Habendum.

Prender.

Prender est Potestas aut jus quicquid accipiondi antequam offeratur ; a Francois prendre, i. e. accipere.

Prescription.

Prescription est, quand un person clame aucun chose, pur ceo que il, ses Ancestors ou Predecessors, ou eux que Estate il ad, ont ew ou use ceo dont nul memorie curt al contrary.

Mes un ne poit prescrire encounter un Statute, si non que il ad auter Statute que serve pur luy.

Presentment.

Presentment est æquivocum.

Le un est al Esglise : Comment quand aucun home ad droit a doner aucun Benefice Spiritual, & nosme le person al Evêque a que il voet le doner, & fait un Letter al Evêque pur luy, ceo est un Presentation ou Presentment. Si divers Coheirs ne poyent accorder en Presentment, le Presentee de l'eigne serra admitte. Mes si Joyntenants & Tenants en common ne accordant deins les six moys, le Evêque presentera per laps.

Le auter est un Presentment ou Information per aucun Jurie en un Court, devant aucun Officer la que ad autorite de punisher aucun offence fait contrary al Ley.

Pretenséd Droit ou Title.

P*retenséd Droit ou Title* est, lou un est en possession de Terres ou Tenements, & un autre que est hors claime ceo, ou sue pur ceo : Ore le *pretenséd Droit ou Title* est dit en luy que issint sue ou claime. Et si il pluis vient a le possession, son Droit ou Title est annexe al Terre & Possession, & nient donque appel *Droit*.

Primer Seisin.

P*rimer Seisin* est use en le Common Ley pur un branch del Prerogative le Roy, pur que il ad le primer possession, cestascavoir, les intire Profits pur un an des tous les Terres & Tenements dont son Tenant (que tenus de luy en chief) morust seisie en son Demesne come de Fee, son Heire adonque esteant de plein age ; & ceo le Roy prist en lieu des intire Profits queux il poit prender, sil voit, tanques Liverie soit sue, ou al meins tender. *Prerog. Reg. c. 3. & Staundf. f. 11. B. Veies le Stat. 12 Car. 2. c. 24.*

Prisage.

P*risage* est ceo part ou portion que appertein al Roy hors des tiel Merchandises queux sont prises al Mer per voy de loyal *Prise*. Et cest parol vous troveres en le Statute 31 Eliz. c. 5.

Prisage del Vins.

P*risage del Vins* mention en le Stat. 1 H. 8. c. 5. est un custome per que le Roy hors chescun Barke lade ove Vine, south 40 Tun, claime d'aver deux Tun a son *prise* demesne.

Pretenséd Right or Title.

P*retenséd Right or Title* is, when one is in Possession of Lands or Tenements, and another who is out, claims it, and sues for it ; now the *pretenséd Right or Title* is said in him who so doth sue or claim. And if he afterward come to the Possession, his Right or Title is annexed to the Land and Possession, and not then called Right.

Primer Seisin.

P*rimer Seisin* is used in the Common Law for a Branch of the King's Prerogative, by which he hath the first Possession, that is, the entire Profits for a Year of all the Lands and Tenements whereof his Tenant (that held of him in capite) died seised in his Demesne as of Fee, his Heir then being at full Age : And this the King takes in lieu of the entire Profits which he may take, if he will, until Liberty be sued, or at the least tender'd. *Prerog. Reg. c. 3. & Staundf. f. 11. B. See the Stat. 12 Car. 2. c. 24.*

Prisage.

P*risage* is that Part or Portion that belongs to the King of such Merchandizes as are taken at Sea by Way of lawful *Prise*. And this Word you shall find in the Statute of 31 Eliz. cap. 5.

Prisage of Wines.

P*risage of Wines*, mentioned in the Stat. 1 H. 8. c. 5. is a Custom by which the King out of every Bark laden with Wine under 40 Tun, claims to have two Tun at his own Price.

Prison.

PRISON is a Place of Restraint for the safe Keeping of a Person to answer to any Action personal or criminal. See the Stat. of 2 W. & M. cap. 15. 7 & 8. W. 3. cap. 12. 1 An. cap. 5.

Privy or Privities.

PRIVY or **PRIVITIES** is, where a Lease is made to hold at will, for Years, for Life, or a Feoffment in Fee, and in divers other cases; now because of this that hath passed between these parties they are called Privies, in respect of Strangers, between whom no such Conveyances have been.

Also if there be Lord and Tenant, and the Tenant holds of the Lord by certain Service, there is a Privy between them, because of the Tenure: And if the Tenant be disseised by a Stranger there is no Privy between the Disseisor and the Lord, but the Privy still remains between the Lord and the Tenant that is disseised, and the Lord shall abate upon him, for that he is his Tenant in Right, and in Judgment of the Law.

Privies are in divers sorts; as namely, Privies in Estate, Privies in Deed, Privies in Law, Privies in Right, and Privies in Blood.

Privies in Estate is, where a Lease is made of the Manor of Dale to A. for Life, the Remainder to B. in fee; there both A. and B. are Privies in Estate, for their Estates were both made at one Time.

And so it is in the first Case here, where a Lease is made at

Prison.

PRISON est un lieu de Restraint pur le safe custody de un person a responder al ascun action personal ou criminal. Veies le Stat. 2 W. & M. cap. 15. 7 & 8 W. 3. cap. 12. 1 An. cap. 5.

Privie ou Privities.

PRIVIE ou **PRIVITIES** est, lou un Lease est fait a tener a volunt, pur ans, pur vie, ou un Feoffment en fee, & en divers autres cases; ore per cause de ceo que ad passe perenter ceux parties, ils sont appellus *Privies*, en respect de strangers, perenter queux nul tiel conveyances ad estre.

Auxy si soit Seigneur & Tenant, & le Tenant tient del Seigneur per certaine Service, il y ad un *Privitie* perenter eux per cause de Tenure: & si le Tenant soit disseise per un estranger, il ad nul *Privitie* perenter le Disseisor & le Seigneur, mes le *Privitie* uncore demurt perenter le Seigneur & le Tenant que est disseise, & le Seigneur avowra sur luy, pur ceo que il est son Tenant en droit, & en le judgment del Ley.

Privies sont en divers sorts; come nosment, Privies en Estate, Privies en Fait, Privies en Ley, Privies en Droit, & Privies en Sanke.

Privies en Estate est, lou un Lease est fait del Mannor de Dale, al A. pur vie, le Remainder al B. en fee; la & A. & B. sont *Privies en Estate*, car leur Estates fueront faits ambideux al un temps.

Et issint est en le prime case cy ou un Lease est fait al vol-

lunt, pur vie, ou ans, ou un Feoffment en fee, les Lessees ou Feoffees sont appels *Privies en Estate*, & issint sont leur Heirs, &c.

Privies en Fait est, lou un Lease est fait pur vie, & apres per un auter Fait le Reversion est grant al un Saranger en fes; cest grantee del Reversion est appel *Privie en Fait*, pur ceo que il ad le Reversion per Fait.

Privie en Ley est, lou il est Seignior & Tenant, le Tenant lessa le Tenancie pur vie, & morust sans Heir, & le Reversion escheat al Seignior; il est dit *Privie en Ley*, pur ceo que il nad son Estate solement per le Ley, cest adire, per Escheate.

Privie en Droit est, lou un possesse d'un Terme pur ans granta son Estate al un auter sur Condition, & fait ses Executors, & morust; ore ceux Executors sont *Privies en Droit* car si le Condition soit enfrein, & ils entrent en le Terre, ils averont ceo en le droit de leur Testator, & a son use.

Privie de Sanke est le Heir de le Feoffor ou Donor, &c.

Item si un Fine soit levie, les Heires de celui que levie le Fine sont appel *Privies*.

Privileges.

Privileges sont Liberties & Franchises grant al un Office, Lieu, Ville, ou Mannor per le grand Charter del Roy, Letters Patents, ou Act de Parliament: Come Toll, Sake, Socke, Infangtheefe, Outfangtheef, Turne, Ordelf, & divers tielx semblables; pur quenz veies en leur proper Titles & leius.

Will, for Life, or Years, or a Feoffment in Fee, the Lessees or Feoffees are called *Privies in Estate*, and so are their Heirs, &c.

Privies in Deed is, where a Lease is made for Life, and afterward by another Deed the Reversion is granted to a Stranger in Fee; this Grantee of the Reversion is called *Privy in Deed*, because he hath the Reversion by Deed.

Privy in Law is, where there is Lord and Tenant, the Tenant leases the Tenancy for Life, and dies without Heir, and the Reversion escheats to the Lord; he is said *Privy in Law*, because he hath his Estate only by the Law, that is to say, by Escheat.

Privy in Right is, where one possessed of a Term for Years, grants his Estate to another upon Condition, and makes his Executors, and dies; now these Executors are *Privies in Right*; for if the Condition be broken, and they enter into the Land, they have it in Right of their Testator, and to his Use.

Privy of Blood is the Heir of the Feoffor or Donor, &c.

Also if a Fine be levied, the Heirs of them that levied the Fine are called *Privies*.

Privileges.

Privileges are Liberties and Franchises granted to an Office, Place, Town, or Mannor by the King's great Charter, Letters Patents, or Act of Parliament: As Toll, Sake, Socke, Infangtheef, Outfangtheef, Tourne, Ordelf, and divers such like; for which look in their proper Titles and Places.

Also

Also there are other Privileges which the Law takes notice of, that is to say, the Privileges of the Commons and Peers of the Parliament, and the Privileges of Attornies and Officers of the Courts of Westminster. that they shall not be sued or impleaded in another Court, but in that where they are Attornies or Officers.

Procedendo.

PROcedendo is a Writ that lies where any Action is sued in one Court, which is removed to another more high, as to the Chancery, King's Bench, or Common Place, by a Writ of Privilege or Certiorari: And if the Defendant upon the Matter shewed, have no cause of Privilege, or if the Matter in the Bill whereupon the Certiorari issued be not well proved, then the Plaintiff shall have this *Procedendo*, to send again the Matter unto the first base Court, there to be determined.

Process.

PROcess are the Writs and Precepts that go forth upon the the Original. And in Actions real and Personal there are sundry sorts of Process: For in Actions real the Process is *Grand Cape* before Appearance: Therefore see of that in the Title *Petit Cape*.

But in Actions personal, as in Debt, Trespass, or Detinue, the Process is a *Distress*: And if the Sheriff return *Nihil habet in Balliva*, &c. then the Process is *Alias Capias*, and *Pluries* and an *Exigent*; and they are called *Capias ad respondendum*. Also the *Exigent* shall be proclaimed five Times; and if the Party do

Auxi sont autres Privileges d'ont le Ley prist cognizance, cest ascavoir, les Privileges des Commons, & Peers del Parliament, & Privileges des Attorneys & Officers des Courts a Westminster. que ils ne ferreront sue ou implead en auter Court, que en ceux ou ils sont Attorneys ou Officers.

Procedendo.

PROcedendo est un Brief que gist lou aucun Action est sue en un Court, que est remove a un plus hault, come al Chancerie, Banke le Roy, ou Common Banke, per Brief de Privilege ou Certiorari: & si le Defendant, sur le matter monstre, nad cause de Privilege, ou si le matter en le Bill sur que le Certiorari issuist ne soit bien prove, donques le Plaintiff avera cest *Procedendo* pur remaunder le matter al primer base Court, la destre determine.

Proces.

PROces sont les Briefs & Precepts que issuent sur le Original. Et en Actions real & personal sont divers sorts de Proces: Car en Actions real le Proces est *Grand Cape* devant Appearance: Ideo vide de ceo en le Title *Petit Cape*.

Mes en Actions personal come en Dette, Trespasse, ou Detinue, le Proces est un *Distresse*; & si le Visc' return *Nihil habet in Balliva*, &c. donques le Proces est *Alias Capias* & *Pluries*, & un *Exigent*; & ils sont appellees *Capias ad respondendum*. Auxy le *Exigent* serra cinque foites proclame; & si le

le partie nient appeare, il serra utlage. Mes en divers Actions sont divers manner de Proses, que est puis alarge declare en N. B.

Auxy sont divers auters Proses apres Appearance, quant les parties sont al issue pur faire l'Enquest appearer: come un *Venire facias*; & s'ils ne appearont al jour, donques un Brief de *Habeas corpora Jurat* & apres un Brief de *Disfringas Jurat*.

Auxy sont divers auters Proses apres Judgment; come *Capias ad satisfaciendum*, *Capias utlagatum*, &c.

Capias ad satisfaciendum gist lou home est condemne en ascun Det ou Dammages; donques il serra arrest per cest Brief, & mis en prison sans Bail ou Mainprise, tanque il ad pay le Det & les Dammages.

Capias utlagatum gist lou un est utlage, donques il serra prise per tiel Brief, & mis en prison sans Baile ou Mainprise, pur ceo que il ad fait contempt encounter le Ley.

Auxy sont auters Proses & Briefs judiciales, come *Capias ad valentiam*, *Fieri facias*, *Seire facias*, & plusors auters: & ideo vide ceo en leur Titles.

Prochein amy.

PROchein amy est communement prise pur Gardian en Socage, & est lou un home seisle de Terres tenus en Socage morust, son issue deins age de 14 ans, donques le prochein de Sank, a que les Terres ne poient discender, avera le gard del Heire, & del Terre al use solement del Heire tanque il vient al age de

not appear, he shall be outlawed. But in divers Actions there are divers manners of Proses, which at large is declared in N. B.

And there are divers other Proses after Appearance, when the Parties are at Issue, to make the Enquest appear: As a Writ of *Venire facias*; and if they do not appear at the Day, then a Writ of *Habeas Corpora Jurat* and after a Writ of *Disfringas Jurat*.

And there are divers other Proses after Judgment; as *Capias ad satisfaciendum*, and *capias utlagatum*, &c.

Capias ad satisfaciendum lies where a Man is condemned in any Debt or Damages, then he shall be arrested by this Writ, and put in Prison without Bail or Mainprise, till he hath paid the Debt and the Damages.

Capias utlagatum lies where one is outlawed, then he shall be taken by this Writ, and put in Prison without Bail or Mainprise, for that he had the Law in Contempt.

And there are other Proses and Writs Judicial, as *Capias ad valentiam*, *Fieri facias*, *Seire facias*, and many other: And therefore look for them in their Titles.

Next Friend.

NExt Friend is commonly taken for Guardian in Socage, and is where a Man seised of Land holden in Socage dies, his Issue within Age of 14 years, then the next Friend, or next of kin, to whom the Lands cannot descend, shall have the keeping of the Heir, and of the Land, to the only Use of the Heir untill he come to the Age

of 14 years; and then he may enter, and put the Guardian out, and bring him to account: But in that Account he shall be allowed for all reasonable Costs and Expences bestowed either upon the Heir or his Land.

The next Friend, or next of kin, to whom the Inheritance cannot descend, is thus to be understood: If the Lands descend to the Heir from his Father, or any of the Kin of his Father's Side, then the Mother, or other of the Mother's side, are called the next of kin, to whom the Inheritance cannot descend; for before it shall so descend, it shall rather escheat to the Lord of whom it is holden.

And where the Lands come to the Heir from his Mother, or any other Side, then the Father, or other of the Father's Side, are called the next of kin, to whom the Inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Prochein amy is he who appears in any Court for an Infant who sues any Action, and aids the Infant to pursue his Suit: Whereof see the Statutes of Westm. 1. cap. 47. and Westm. 2. cap. 15. that an Infant may not make an Attorney, but the Court may admit the next friend for the Plaintiff, and a Guardian for the Infant Defendant as his Attorney.

Proclamation.

Proclamation, is Notice publicly given of any thing whereof the King thinks good to advertise his Subjects: So it is Anno 7. R. 2. c. 6.

14 ans; & donques le Heire poit enter, & luy ouste, & amesner luy de account; Mes en cest Account il avera allowance pur tous reasonable costs & expences bestow ou sur le Heire ou son Terre.

Le Prochein amy, ou prochein de sanke, a que le inheritance ne poit descend, est issint destre entende: Si les Terres discenda al Heire de son Pere ou ascun del sanke del part son Pere, donques le Mere, ou auter del part le Mere, sont appelle prochein de sanke, a que le Inheritance ne poit discender; car devant que il issint discendra, il pluis tost escheatera al Seignior de que il est tenus.

Et lou les Terres vient al Heire de sa Mere, ou ascun del sa part; donque le Pere, ou auter del part son Pere, sont appelle le prochein de sanke, a que le Inheritance ne poit descend, mes pluis tost escheatera al Seignior de que il est tenus.

Auterment Prochein Amy est celuy que appiert en ascun Court pur un Infant que sue ascun Action, & que ayde le Infant de pursuer son Suit; dont vide les Statutes de Westm. 1. c. 47. & Westm. 2. cap. 15. que un Infant ne poit faire Attourney, mes le Court poit admitter le prochein amy pur le Plaintiff, & lun Gardian pur le Infant Defendant come son Attorney.

Proclamation

Proclamation est un Notice appertment done de ascun chose de que le Roy soi pleirot de advertiser ses Subjects; issint il est An. 7. R. 2. c. 6.

Proclamation

Proclamation de Rebellion est un overt notice done per le Officer que un home nient apparent sur un *Subpœna* ou attachement en le Chancery, serra repute destre un Rebel, si non que il luy mesme render al jour assigne. *Crompt. Jurisd. fol. 92.*

Et est destre observe, que nul poit faire *Proclamation* mes per autoritie del Roy, ou Majors & hujusmodi que ont privileges en Cities ou Boroughs de ceo faire, ou ont ceo use per custome. Et pur ceo ou un Executor fist *Proclamation* en certain Market-villes, que les Creditors veignera, per certain jour, & claim & prouvera lour dets due per le Testator, & pur ceo que il ceo fist sans authority, il fuit commit al Fleer, & mise a un Fine. *Brooke Proclamation 10.*

Pro confesso.

PRO confesso est lou un Bill est exhibit en le Chancery a que le Defendant appear, & est en contempt pur nient responder, ou fait insufficient respons, le matter en le Bill contenu serra prise come si fuit confels per le Defendant.

Profer.

Profer i. e. *producere*, est le temps appoint pur Accounts des Viscounts & auters Officers del Exchequer, que est deux foits en le an. *Stat. 21 H. 3. c. 5. Reg. Orig. 139.*

Procurator.

Procurator est use pur luy que collige les Fruits de un Benefice pur un auter home. *Anno 3 Ric. 2. Stat. 1. cap. 2.*

Proclamation of Rebellion, is an open notice given by the Officer, that a Man not appearing upon a *Subpœna* or Attachment in the Chancery, shall be reputed a Rebel, except he render himself at the Day assigned. *Crompt. Jurisd. fol. 92.*

And it is to be noted, that no Man may make *Proclamation* but by authority of the King, or Day, ors, and such like as have Privileges in Cities and Boroughs so to do, or have it by Custom. And therefore where an Executor made *Proclamations* in certain Market-towns, that the Creditors should come by a certain day, and claim and prove their Debts due by the Testator; and because he did this without Authority, he was committed to the Fleet, and fined. *Brook Proclamation. 10.*

Pro confesso.

PRO confesso is where a Bill is exhibited in the Chancery, to which the Defendant appears, and is in Contempt for not answering, or makes an insufficient Answer, the matter contained in the Bill shall be taken as if it were confessed by the Defendant.

Profer.

Profer, i. e. *producere*, is the Time set for Accounts of Sheriffs and other Officers of the Exchequer, which is twice a Year. *Stat. 21 H. 3. c. 5. Reg. Orig. 139.*

Procurator.

Procurator is used for him who gathers the Fruits of a Benefice for another Man. *Anno 3 Ric. 2. Stat. 1. cap. 2.*

Prohibition.

Prohibition.

PROHIBITION is a Writ that lies where a Man is impleaded in the Spiritual Court of a Thing that touches not Patrimony, nor Testament, nor merely Tithes, but the King's Crown. This Writ shall be directed as well to the Party, as to the Judge or his Official, to prohibit them that they pursue no farther. But if it appear afterward to the Judges temporal, that the Matter is fit to be determined in the Spiritual Court, and not in the Court Temporal, then the Party shall have a Writ of Consultation, commanding the Judges of the Court Spiritual to proceed in the first Plea.

Also there are many other Prohibitions, as to the Admiralty, and to other Courts of Common Law if they exceed their Power.

Property.

PROPERTY is the highest Right that a Man hath or can have to any thing, which no way depends upon another Man's Courtesy: And this none in this Kingdom can be said to have in any Lands or Tenements, but only the King in Right of his Crown, because all the Lands through the Realm are in nature of Fee, and hold mediately or immediately of the Crown. This Word nevertheless is used for such Right in Lands and Tenements as common Persons have in the same. And there are three manner of Rights of Property; that is Property absolute, Property qualified, and Property

Prohibition.

PROHIBITION est un Brief que gist lou home est emplede en Court Christian de chose que ne touch Matrimonie, ne Testament, ne merement Dismes, mes le Corone nostre Seignior le Roy. Cest Brief serra direct auxy bien al partie come al Judge, ou son Official, de eux prohibite que ils ne pursue ouster. Mes si il appeare apres a les Judges temporal, que le matter est destre determine en le Spiritual Court, & nemy en le Court Temporal. donque le party avera un Brief de Consultation, commandant les Judges de le Court Spiritual de proceder en la primer Plee.

Auxy sont mults auters prohibitions, sicome al Admiralty, & al ascun Court de Common ley s'ils exceed leur poiar.

Property.

PROPERTY est le plus hault Droit que home ait ou poit aver al ascun chose, que riens depend sur le courtesie dascun auter home: Et ceo nulluy en cest Realm poit estre dit daver en ascun Terres ou Tenements, forsque solement le Roy en le droit de son Corone, pur ceo que tous les Terres per le Realm sont en le nature de Fee, & tiendront mediatement ou immediatement del Corone. Cest parol nient-obstant est use pur tiel droit en Terres & Tenements que common persons ont en le mesme. Et sont trois manners de droits de Property; cest a-cavoir, Property absolute, Property

Party qualified, & Property possessory: De queux veies a large. Coke l. 7. Case de Sawns, fol. 17.

Proprietary.

Proprietary est celuy que ad un Property en ascun chose; mes il est plus communement use per luy que ad les Profits dun Benefice a luy & ses Heires, ou a luy mesme & ses Successors, come en temps par devant Abbots & Priors avoient.

Protection.

Protection est un Brief que gist lou home voit passer ouster le mer in le service le Roy, donques il avera cest Brief, & per cest Brief il ferra quite de tous manner des Pleas enter luy & ascun auter person, except Plees de *Dower*, *Quare impedit*, *Assise de Novel disseisin*, *Ultima presentationis*, & *Attaints*, & Plees devant Justices en Eyre. Mes sont deux Briefs de *Protection*; un *cum clausula Volumus*, & la uter *cum clausula Nolumus*. come apiert en le *Register*.

Mes *Protection* ne ferra allow en ascun Plee commence devant le date de ceo, si ne soit en Voyages ou le Roy mesme passa, ou auters Voyages royaux, ou en Messages le Roy pur besoignes de Realme. *Protection* ne ferra allow pur Vitails achates pur voyage dont le *Protection* fait mention, ne in Plees de *Trepasse*, ou de *Contracts* fait puis le date de mesme le *Protection*.

Nota que ascun poit attachier ou commencer ascun Action real vers cestuy que ayt tiel *Protection*, & en ceo proceder tanque le Defendant

possessory: Of which see at large, *Cok. lib. 7. Case de Swans, fol. 17.*

Proprietary.

Proprietary is he that hath a Property in any thing; but is most commonly used for him who hath the Profits of a Benefice to him and his Heirs, or to himself and his Successors, as in times past Abbots and Priors had.

Protection.

Protection is a writ that lies where a Man will pass over the Sea in the King's Service, then he shall have this writ, whereby he shall be quit of all manner of Pleas between him and any other person, except Pleas of *Dower*, *Quare impedit*, *Assise of Novel disseisin*, *Darrein presentment* and *Attaints*, and Pleas before Justices in Eyre. But there are two Writs of *Protection*, one *cum clausula Volumus*, and another *cum clausula Nolumus*, as appears in the *Register*.

But a *Protection* shall not be allowed in any Plea begun before the Date of it, if it be not in Voyages where the King himself shall pass, or other Voyages Royal, or in Messages of the King for affairs of the Realm. Nor shall a *Protection* be allowed for Victuals bought for the Voyage whereof the *Protection* makes Mention, nor in Pleas of *Trepasse*, or of *Contracts* made after the Date of the *Protection*.

Note, that any may attach or bring any Action real against him that hath such *Protection*, and therein proceed, until the Defendant comes and shews his *Protection*

tection in the Court, and hath it allowed ; and then his Plea or Suit shall go without Day. But if after it appears that the Party who hath the Protection goes not about the Affairs for which he hath it, then the Demandant shall have a Repeal thereof. And if he go and return after the Business ended, the Demandant shall have a Resummons to re-continue the former Suit.

Protestation.

Protestation is a Form of Pleading, when any one will not directly affirm, nor directly deny any Thing that is alledged by another, or which he himself alledges. And it is in two Sorts. One is, when one pleads any Thing which he dares not directly affirm, or cannot plead, for Doubt to make his Plea double : As if in conveying to himself a Title to any Land, he ought to plead divers Discents by divers Persons, and he dares not affirm that all they were seized at the Time of their Death, or altho' he could do it, it shall be double to plead two Discents ; of both which each by itself may be a good Bar. Then the Defendant ought to plead and alledge the Matter, interlacing this Word *protestando*, as to say, that such a one died (by Protestation) seized, &c. And that is to be alledged by Protestation, and not to be traversed by the other. Another Protestation is, when one is to answer to two Matters, and yet by the Law he ought to plead but to one ; then in the first Part of the Plea he shall say to the one Matter, *protestando*, and non cognoscendo this Matter to be true, and

veigne & monstre son protection en le Court, & ayt ceo allowed, dunque son plee ou Suit ferra mis sans jour. Mes si apres il appiert que le party que ad le protection ne ala entour le besoigne pur que il aye ceo, donques le Demandant avera un Repeal de ceo. Et sil va, & return apres le besoigne finie, le Demandant avera un Resummons de recontinuer le former Suit.

Protestation.

Protestation est un forme de Pleading quand ascun ne voile directement affirmer, ne directement denier ascun chose quel est alledge per auter, ou que il mesme alledge. Et est en deux manners. Le un est, quand un pleade ascun chose que il ne ofast directement affirmer, ou ne poit pleader pur doubt de faire son Plee double. Come si en conveying a luy Title a ascun Terre, il doit pleader divers Discents per divers persons, & il n'ofast affirmer que eux tous fueront seizes al temps de leur mort, ou coment il ceo purroit, ceo ferra double a plead deux Discents ; de queux ambideux chescun per luy poit estre bone Barre. Donques le Defendant doit pleader & alledge le matter, enterlacing cest parol *protestando*, come adire, que tiel obiit (*protestando*) seisie, &c. Et ceo est destre alledge per Protestation, & nemy traversable per l'auter. Auter Protestation est, quand un est de responder al deux choses, & tamen per le Ley il doit plead forsque al un, dunque en le primer part del Plee il dirra al un matter, *protestando*, & non

cognoscendo cel matter estre voyer, & faire son Plee ouster per ceux parols, *Sed pro placito dicit*, &c. Et ceo est pur salvation al partie (que issint plead per Protestation) destre conclude per ascun matter alledge ou object encounter luy, sur que il ne poit joyner issue; & nest auter chose mes un exclusion del Conclusion; car il que prist Protestation exclude le auter partie de concluder luy. Et cest Protestation doit estoyer ove le sequel del Plee, & nemy destre repugnant, ou auterment contrarie.

Provendry.

PROVENDRY en le esglise de *Sarum* est appel minor pars Altaris in ecclesia beatæ Mariæ Sarum, 41 E. 3. 5. b.

Provisiō.

PROVISIō est use ovesque nous come est en le Cannon Ley, pur le provider d'un Evesque ou auter Ecclesiastical person d'un Ecclesiastical Benefice per le Pape devant que le incumbent de ceo soit mort; le grand abuse dont appiert per plusieurs Statutes que ont este faits en tous ages del temps E. 3. tanque le reigne H. 8. per le avoid des tiels Provisions. *Ra. Entr. Quare impedit* 17. 20.

Proviso.

PROVISO est un Condition ensert en ascun Fait, sur le performance de que tout le vigueur del Fait consista. Ascun foits il solement est un Covenant de que veies *Cok. lib. 2. en le Seignior Cromwell's Case*. Il ad auxy un auter signification en choses judicial: Come si le Plaintiff ou demandant de loy

makes his Plea farther by these Words, *Sed pro placito dicit*, &c. And this is for saving to the Party (that so pleads by Protestation) the being concluded by any Matter alledged or objected against him, upon which he cannot join Issue; and is no other but an Exclusion of the Conclusion; for he that takes the Protestation excludes the other Party to conclude him. And the Protestation ought to stand with the Sequel of the Plea, and not to be repugnant, or otherwise contrary.

Provendry.

PROVENDRY in the Church of *Sarum* is called the lesser Part of the Altar in the Church of *St. Mary*, 41 E. 3. 5. b.

Provisiō.

PROVISIō is used with us as it is in the Common Law, for providing of a Bishop or other Ecclesiastical Person of an Ecclesiastical Living by the Pope before the Incumbent of it be dead; the great Abuse whereof appears by several Statutes that have been made from the Time of E. 3. to the Reign of H. 8. for the avoiding of such Provisions. *Rast. Entries Quare impedit* 17. 20.

Proviso.

PROVISO is a Condition inserted in any Deed, upon the Performance whereof the Validity of the Deed consists. Sometimes it is only a Covenant, whereof see *Coke lib. 2. in the Lord Cromwell's Case*. It hath also another Signification in Matters judicial: As if the Plaintiff or Demandant desists from

from prosecuting an Action, and brings it not to Trial, then the Defendant or Tenant may take forth the Venire facias to the Sheriff, which hath in it these Words, Proviso quod, &c. to this End, that if the Plaintiff takes out any Writ to this Purpose, the Sheriff shall summon but one Jury upon them both. See Old Natura Brevium in the Writ Nisi prius, fol. 159.

Provisors.

Provisors. See Præmunire.

Proxy. Procuratio.

PROxy. Procuratio is a Payment to a Bishop by a Religious House, for the Charges of his Visitation of such Houses. Davies rep. 2.

Purchase.

PURchase is the Possession that a Man hath in Lands or Tenements by his own Act, Means, or Agreement, and not by Title of Descent from any of his Ancestors. See Litt. l. i. c. i.

Purlieu.

PURlieu is all that Ground near any Forest, which being made Forest by Henry the second, Richard the first, or King John, was by Perambulations granted by Henry the third severed again from the same. Manwood, part 2. of his Forest Laws, c. 20. And it seems that this Word is composed either of pouralle, that is, to go or walk about; or purelieu, that is, a pure Place, because such Lands as were by those Kings subjected to the Laws and Ordinances

de prosecute un Action, & ne ceo port al Trial, donque le Defendant ou Tenant poit prendre hors le Venire facias al Viscount, que ad en ceo ceux parols, Proviso quod, &c. a cest fine, que si le Plaintiff prist hors ascun Brief a cel purpose, le Viscount ne gamera forsque un Jurie sur eux ambideux. Veies Vet. Nat. Br. en le Brief Nisi prius, fol. 159.

Provisors.

Provisors. Veies Præmunire.

Proxy. Procuratio.

PROxy. Procuratio est un payment al Evesque per un Religious meason pur les charges de son visitation de tiels measons, Davies rep. 2.

Purchase.

PURchase est le Possession que un home ad en Terres ou Tenements per son act demesne, means, ou agreement, & nemy per title de Descent de ascun de ses ancestors. Veies Litt. l. i. c. i.

Purlieu.

PURlieu est tout cest Terre prochain ascun Forrest, que esteant fait Forrest per Henry le second, Richard le primer, ou Joan le Roy, fuist per Perambulations grantus per Henry le tierce sevre arreare del mesme, Manwood, part 2. de ses Forrest Leys, c. 20. Et semble que cest parol est fait ou de pouralle, ceo est, perambulare, ou purelieu, ceo est, purus locus, pur ceo que tiels Terres queux fueront per ceux Roys subject al Leys & Ordinances del Forrest,

rest, sont jammes clere & franke del mesme : Come les Civilians appel ceo *purum locum, qui Sepulchrorum religioni non est obstrictus* ; en mesme le manner ceo puit estre appel *pure lieu*, pur ceo que est exempt del servitude ou thraldom que fuist par devant sur ceo impose.

Purlieu home est cestuy que ad Terres deins le Purlieu, & esteant able a dispendre 40 soulz per l'an de Franke-tenement, est sur ceux deux choses licence de chaser en son Purlieu demesne. *Manwood, part 1. p. 151. & 177. Veies le Statute 1 Jac. c. 27.*

Purpresture.

PURpresture est un parol derive de *Francois Pourpris*, que signifie de prendre del auter, & pur appropriate a luy mesme, & pur ceo un *Purpresture* en un general sens est prise pur ascun tiel tort fait per un home al auter.

Purpresture en un Forrest est chescun Encroachment sur le Forrest le Roy, soit ceo per Edifier, Incloser ou per user de ascun libertie ou privilege sans un loyal garrant issint faire. Et de ceo veies *Manw. Forrest Leys, c. 10. f. 74. a.*

Purveyors.

PURveyors fueront auncient Officers a provider Victuals pur le Roy. Quel Office est mention en Stat. 28 Edw. 1. cap. 2. & 36 Ed. 4. cap. 6. & 14 E. 3. cap. 19. Mes est abolished per Stat. 12 Car. 2. c. 24.

of the Forrest, are now cleared and freed from the same : As the Civilians call that a pure Place, which is not subject unto Burials ; so likewise this may be called a pure Place, because it is exempted from the Servitude and Thraldom which was formerly laid upon it.

Purlieu Man is he that hath Lands within the Purlieu, and being able to dispend forty Shillings by the Year of Freehold, is upon these two Points licensed to hunt in his own Purlieu. *Manwood, part 1. p. 151. & 177. See now the Statute made, 1 Jac. c. 27.*

Purpresture.

PURpresture is a Word deribed from the French *Pourpris*, which signifies to take from another, and to appropriate to himself : And therefore a *Purpresture* in a general Sense is taken for any such Wrong done by one Man to another.

Purpresture in a Forrest is every Incroachment upon the King's Forrest, be it by Building, Inclosing, or Using of any Liberty without a lawful Warrant so to do. And of this see *Manwod in his Forest Laws, c. 10. f. 74. a.*

Purveyors.

PURveyors were ancient Officers to provide Victuals for the King, which Office is mentioned in the Statutes, 28 E. 1. cap. 2. & 36 E. 4. cap. 6. & 14 E. 3. cap. 19. But it is abolished by the Statute, 12 Car. 2. cap. 24.

Q.

Quadrantata terræ.

Quadrantata terræ is the Fourth Part of an Acre.

Quæ plura.

Quæ plura is a Writ that lies in Case where the Escheator hath found an Office after the Death of the King's Tenant *virtute officii*, and hath not found all the Lands of which he died seised; then this Writ shall issue in Nature of a *Melius inquirendo*, to find what Lands he had more. See F. N. B. f. 255. a.

Quale jus.

Quale jus is a Writ that lies where an Abbot, Prior, or such other, should have Judgment to recover Land by Default of the Tenant against whom the Land is demanded; then before Judgment given, or Execution awarded, this Writ shall go forth to the Escheator, to enquire what Right he hath to recover: And if it be found that he hath not Right, then the Lord who should have the Land if the Tenant had aliened in Mortmain, may enter as into Land aliened in Mortmain; for this losing by Default is like an Alienation. See the Stat. Westm. 2. c. 32.

But where one will give Lands to a House of Religion, an *Ad quod damnum* shall go forth to the Escheator to enquire

Q.

Quadrantata terræ.

Quadrantata terra est le quarte parte de un Acre.

Quæ plura.

Quæ plura est un Brief que gist en case lou le Escheator ad trove un Office *virtute officii* apres le mort le Tenant le Roy, & nad trove tous les Terres des queux il morust seisie, adonques cest Brief i fera en nature de un *Melius inquirendo*, pur trover queux Terres il avoit *plusors*. Veies F. N. B. 255. a.

Quale jus.

Quale jus est un Brief que gist lou ascun Abbot, Prior, ou tiels auters, averont Judgment de recover Terre per le Default del Tenant vers que le Terre est demaunde; donque devant judgment done, ou Execution agard, cest Brief i fera al Escheator, pur enquirer quel droit il ad a recover: Et si soit trove que il nad droit, donques le Seignior que duist aver le Terre le Tenant, sil alien en Mortmaine poit enter come en Terre alien en Mortmaine, car cel perdre per Default est semble a un Alienation. Vide le Statute de Westm. 2. c. 32.

Mes lou un voile doner Terres al Meason de Religion, un *Ad quod damnum* i fera al Escheator, pur enquirer de que

K k 3

value

value le Terre est, & quel prejudice il ferra al Roy.

of what Value the Land is, and what Prejudice it shall be to the King.

Quare ejecit infra terminum.

QUARE *ejecit infra terminum* est un Brief que gist lou un fait Lease a un auter pur terme d'ans, & le Lessor enfeoffa un auter, & le Feoffee ousta le Termour; donques le Termour avera cest Brief vers le Feoffee. Mes si un auter estranger ouste le Termour, donques il avera Brief *De ejectione firme* vers luy. Et en ceux deux Briefs il recouvrera le terme & ses dommages.

Quare ejecit infra terminum.

QUARE *ejecit infra terminum* is a Writ that lies where one makes a Lease to another for Term of Years, and the Lessor infeoffs another, and the Feoffee puts out the Termour; then the Termour shall have this Writ against the Feoffee. But if another Stranger put out the Termour, then he shall have a Writ *De ejectione firme* against him. And in these two Writs he shall recover the Term and his Damages.

Quare impedit.

QUARE *impedit* est un Brief que gist lou jeo ay Advowson, & le Parson devie, & un auter present son Clerk, ou disturbe de presenter; donques jeo avera le dit Brief. Mes *Affise de darrein presentment* gist lou jeo ou mon ancestors ount present devant. Et lou home poit aver *Affise de darrein presentment*, il poit aver un *Quare impedit*, mes ne my contrarie.

Auxy si le Plee soit dependant enter deux parties, & ne soit discusse deins six moys, le Evesque presentera per laps, & cestuy que ad droit de presenter recouvrera dommages, come appiert per le Statute de *Westm. 2. c. 5.* Et si cestuy que ad droit de presenter apres le mort del Parson ne porta *Quare impedit*, ne *Darreine presentment*, mes suffer un estranger de usurper sur luy, uncore il avera un Brief de

Quare impedit.

QUARE *impedit* is a Writ that lies where I have an Advowson, and the Parson dies, and another presents a Clerk, or disturbs me to present; then I shall have the said writ. But *Affise de darrein Presentment* lies where I or my Ancestors have presented before. And where a Man may have an *Affise de darrein Presentment*, he may have a *Quare impedit*, but not contrariwise.

Also if the Plea be depending between two Parties, and be not discussed within six Months, the Bishop may present by Lapse, and he that hath Right to present shall recover his Damages, as appears by the Statute of *West. 2. c. 5.* And if he that hath Right to present after the Death of the Parson brings no *Quare impedit*, nor *Darreine Presentment*, but suffers a Stranger to usurp upon him, yet he shall have a Writ of Right

of Advowson: But this Writ lies not, unless he claim to have the Advowson to him and his Heirs in Fee.

Quare incumbavit.

Quare incumbavit is a Writ that lies where two are in Plea for the Advowson, and the Bishop admits the Clerk of one of them within the six Months; then he shall have this Writ against the Bishop. But this Writ lies always depending the Plea.

Quare intrusit Matrimonio non satisfacto.

Quare intrusit Matrimonio non satisfacto, is a Writ that lies where the Lord proffers convenient Marriage to his Ward, and he refuses, and enters into the Land, and marries himself to another; then the Lord shall have this Writ against him.

Quare non admisit.

Quare non admisit is a Writ that lies where a Man hath recovered an Advowson, and sends his convenient Clerk to the Bishop to be admitted, and the Bishop will not receive him; then he shall have the said Writ against the Bishop. But a Writ of Ne admittas lies where two are in Plea; if the Plaintiff suppose the Bishop will admit the Clerk of the Defendant, then he may have this Writ to the Bishop, commanding him not to admit him hanging the Plea.

Quare non permittit.

Quare non permittit is a Writ which lies for one who hath

Droit de Advowson. Mes cest Brief ne gist si il ne clame de aver le Advowson a luy & ses heirs en Fee.

Quare incumbavit.

Quare incumbavit est un Brief que gist lou deux sont en Plee pur le Advowson, & l'Evesque admit le Clerk d'un deux deins le six moys; donques il avera ceo Brief vers le Evesque. Mes ceo Brief gist tous foits pendant le Plee.

Quare intrusit Matrimonio non satisfacto.

Quare intrusit Matrimonio non satisfacto est un Brief que gist lou le Seigniot profera convenable Marriage a son Garde, & il refusa, & entra en le Terre, & soy marry a un autre; donques le Seignior avera cest Brief vers luy.

Quare non admisit.

Quare non admisit est un Brief que gist lou home ad recover un Advowson, & il manda son convenient Clerke al Evesque pur estre admit, & le Evesque ne voile luy receiver; donques il avera le dit Brief vers le Evesque. Mes Brief de Ne admittas gist lou deux sont en Plee; si le Plaintiff suppose que le Evesque voit admit le Clerk le Defendant, donques il poit aver cest Brief al Evesque, luy commandant que il ne luy admitte pendant le Plee.

Quare non permittit.

Quare non permittit est un Brief que gist pur luy que

avoit droit a presenter pur un
Turn vers le Proprietor.

Right to present for a Turn as
gainst the Proprietor.

Quare obstruxit.

Quare obstruxit est un Brief
que gist pur un home que
avoit liberty de passer trans le
terre de son vicine, & ne poet
ceo enjoyer, pur ceo que il
avoit ceo fortifie.

Quare obstruxit.

Quare obstruxit is a writ that
lies for a Man that hath Li-
berty to go thzough his Neigh-
bour's Ground, and cannot en-
joy it, because he hath so strength-
ned it.

Quarrels.

Quarrels est derive a *Querendo*, & extend non sole-
ment al Actions cybien real
come personal, mes auxy al
Causes de Actions & Suits :
issint que pur Release des tous
Quarrels, non seulement Acti-
ons dependant en Suit, mes
Causes de Action & Suit auxy
sont release ; & Quarrels,
Controversies & Debates sont
Synonyma, & de un mesme
signification. *Coke, lib. 8. fol.*
153.

Quarrels.

Quarrels is derived from *Que-
rendo*, and extends not on-
ly to Actions as well real as
personal, but also to the Causes
of Actions and Suits; so that
by the Release of all Quarrels,
not only Actions depending in
Suit; but Causes of Action
and Suit also are released; and
Quarrels, Controversies and
Debates are Words of one Sense
and of one and the same Signifi-
cation, *Coke lib. 8. fol. 153.*

Quarentine.

Quarentine est lou home devie
seisie de un Mannor-place,
& de auters Terres dont sa
Feme doit estre endow, don-
ques la feme tiendra se en le
Mannor-place, & la vive de le
store & profits de ceo per
quarant jours, deins quel temps
sa Dower serra a luy assigne :
come appiert en *Magna Charta*,
cap. 6.

Quarentine.

Quarentine is, where a Man
dies seised of a Manors
place and other Lands, whereof
the Wife ought to be endowed;
then the Woman may abide in
the Manors place, and there
live of the Store and Profits
thereof the Space of forty Days,
within which time her Dower
shall be assigned : As it appears
in *Magna Charta cap. 6.*

Quash.

Quash, i. e. *Cassum facere*, de
averter ou annuller, *Bract.*
lib. 5. Tract. 2. cap. 3. num. 4.
Come si le Bailiff de un Li-
berty return ascun hors de son
Franchise, le Array serra quash.
Issint un Array retutn per un
que avoit nul Franchise, i
Inst. 156.

Quash.

Quash, i. e. *cassum facere*, to o-
verthrow or annul, *Bract lib.*
5. Tract. 2. cap. 3. num. 4. As
if the Bailiff of a Liberty return
any out of his Franchise, this
Array shall be quash'd : So an
Array returned by one who hath
no Franchise, i *Inst. 156.*

Que estate.

QUE estate is a Term in pleading to avoid Prolixity ; as if a Man pleads a Feoffment in Fee to A. *cujus quidem A. statum idem B. modo habet*, and no one can plead it but Tenant of the Fee ; nor can it be pleaded of things which pass merely by Grant ; as Advowsons, Franchises, &c.

Quem redditum reddit.

QUEM redditum reddit is a Writ Judicial, which lies for him to whom a Rent-seck, or Rent-charge is granted by Fine levied in the King's Court against the Tenant of the Land who refuseth to attorn, hereby compelling him to attorn, *Ver. N. B. 126.*

Quid juris clamat.

QUID juris clamat, is a Writ that lies where I grant the Reversion of my Tenant for Life by Fine in the King's Court, and the Tenant will not attorn ; then the Grantee shall have this Writ to compel him. But a Writ of *Quem redditum reddit* lies where I grant by Fine a Rent-charge, or another Rent which is not Rent-Service, which my Tenant holds of me, and the Tenant will not attorn ; then the Grantee shall have this Writ. And a Writ of *Per quæ servicia* lies in like case for Rent-Service.

Also if I grant four divers Rents to one Man, and the Tenant of the Land attorns to the Grantee by Payment of a Penny, or of a Half-Penny, in the Name of Attornment of all

Que estate.

QUE estate est un Terme en pleading pur avoïder prolixity, si come un plead un feoffment en fee al *A. cujus quidem A. statum idem B. modo habet*, & nul poet ceo plead forsque Tenant del fee, nec poit estre plead de choses queux passent merement per grant, come Advowsons ou Franchises, &c.

Quem redditum reddit.

QUEM redditum reddit est un Brief Judicial que gist pur luy a que un Rent-seck ou Rent-charge is grant per Fine levied en le Court le Roy vers le Tenant del Terre qui refuse de attorn, per ceo forceant luy de attorn. *Ver. N. B. 126.*

Quid juris clamat.

QUID juris clamat est un Brief que gist lou jeo graunt le Reversion de mon Tenant a terme de vie per Fine en Court le Roy, & le Tenant ne voit attorn ; donques le Grantee avera cest Brief pur luy chafer. Mes Brief de *Quem redditum reddit* gist lou jeo grant per Fine un Rent-charge, ou autre Rent que nest Rent service, quel mon Tenant tient de moy, & le Tenant ne voit attorn ; donques le Grantee avera cest Brief. Et Brief de *Per quæ servitia* gist en semblable case pur Rent service.

Auxy si jeo graunt iv. divers Rents a un home, & le Tenant de Terre attourna al Graantee per payment de un denier, ou un maille, en nomme de Attournement de tous ceux

ceux Rents; cest Attournement luy mittera en seisin de tout cest Rent. Mes ceux trois Briefs covient estre port vers eux que sont Tenants al jour del Fine levie, & vers nul autres.

Quinzisme.

Quinzisme est un Payment grant en Parliament al Roy per les Layes gents, cestascavoir, le quinzisme part de leur Biens: Et fuit use en ancient temps destre levie sur leur avers, esteants en leur terres, que chose fuit mult troublous; & pur ceo a ore pur le plus part cest voy est alter, & ils use de levie ceo per le Verge ou Acre, ou autre mesure de Terre; per reason de que il est a ore meins troublous & plus certain que devant, & chescun Ville & Pays scient quel summe est destre pay perenter eux, & comment ceo serra raise. Nous legimus que Moses fuit le primer que number le people, car il number les Israelites; & pur ceo le primer Tax, Subsidie, Tribute, ou Quinzisme, fuit invent per luy enrer les Hebrews, come Polydore Virgil suppose.

Quit claim.

Quit-claim est un Release ou Acquitting de un home pur ascun Action que il ad ou poit aver envers luy. *Bract. l. 5. tract. 5. cap. 9. num. 9.*

Quod ei deforceat.

Quod ei deforceat est un Brief que gist lou Tenant en Tail, Tenant en Dower, ou Tenant a Vie perde per De-

the Rents; this Attournment shall put him in Seisin of all the Rent. But these three Writs ought to be brought against those who are Tenants at the Day of the Fine levied, and against no other.

Fifteenth.

Fifteenth is a Payment granted in Parliament to the King by the Tempozalty. namely, the Fifteenth part of their Goods: And it was used in antient time to be levied upon their Cattel going in their Grounds, which thing was very troublesome; and therefore now for the most part that way is altered, and they use to levy the same by the Ward or Acre, or other Measure of Land; by means whereof it is now less troublesome and more certain than before, and every Town and Country knows what Sum is to be paid among them, and how the same shall be raised. We read that Moses was the first that numbred the People, for he numbred the Israelites; and the first Tax, Subsidy, Tribute or Fifteenth, was invented by him among the Hebrews, as Polydore Virgil thinks.

Quit-claim.

Quit-claim is a Release or Acquitting of a Man for any Action that he hath or might have against him. *Bracton l. 5. tract. 5. ca. 9. nu. 9.*

Quod ei deforceat.

Quod ei deforceat is a Writ that lies where Tenant in Tail, Tenant in Dower, or Tenant for Life loses by De-
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fault in any Action; then he shall have this Writ against him that recovers, or against his Heir, if he think he hath better Right than he who recovered. See the Statute West. 2. cap. 4.

Quod permittat.

QUOD permittat is a Writ that lies where a Man is disseised of his Common of Pasture, and the Disseisor aliens or dies seised, and his Heir enters; then if the Disseisee die, his Heir shall have this Writ.

fault en aucun Action; donques cestuy avera cest Brief vers celuy que recovers, ou vers son Heir; si il entende que il avoit melior droit que il que recovers. Veies le Stat. West. 2. c. 4.

Quod permittat.

QUOD permittat est un Brief que gist lou home est disseise de son Common de Pasture, & le Disseisor alien ou devie seise, & son Heire entre; donques si le Disseisee devie, son Heire avera cest Brief.

Quod permittat

Habere	{	Chiminum.	{	Rast. Entr. 538. Co. Entr. 526.
		Estoverium turbarum.		F. N. B. 124.
		Passagium per aquam.		Rast. Entr. 538.
		Liberam chaceam.		2 Institut. 654.
		Liberum taurum.		F. N. B. 124.
		Liberam faldam.		Ibid. & 6 E. 4. 1.
		Liberam piscar. &c.		Ibidem.

Prosternere	{	Domum, murum, sepem,	{	5 Coke 109.
		Ripam, &c.		9 Coke 53.

Quo jure.

QUO jure is a Writ that lies where a Man hath had Common of Pasture in another's Several within the Time of Memory; then he to whom the Several belongs shall have this Writ to charge him to shew by what Title he claims the Common.

QUO jure est un Brief que gist lou home ad ewe Common de Pasture en auter Several deins le temps de memorie; donques celuy a que appartient le Several avera cest Brief, a charge luy de monstrier per quel Title il claim le Common.

Quo jure.

Quo minus.

QUO minus is a Writ that lies where a Man hath granted to another Housebote and Heybote in his Wood, and the Grantor makes such Waste and De-

Quo minus.

QUO minus est un Brief que gist lou home ad grant a un auter Housebote & Heybote en son boys, & le Grantor fait tiel Waste & Destruction

on que le Grantee ne poit aver son reasonable Estovers; donc que le Grantee avera le avant-dit Brief que est en nature de Brief de Waste.

Et nota que *Housbote* est certain Estovers pur amender le Meason; & *Heybote* est certain Estovers pur amender Heyes & Hedges.

Est auter Brief appelle *Quo minus* en le Exchequer, quel ascun Termour ou Dettour al Roy avera vers ascun auter pur Debt ou Trespasse en le Exchequer Office appelle le Common Pleas, per que le Plaintiff surmittera, que pur le tort que le Defendant fait a luy, il est *meynes* able a payer le Roy son Dert ou Terme; quel est surmise a doner Jurisdiction al Court de Exchequer de oyer & terminer la cause del Suit enter eux, quel autrement serroit determine en auter Court.

Quo warranto.

QUO warranto est un Brief que gist lou home usurpe daver ascun Franchise sur le Roy; donques le Roy avera cest Brief, de faire luy vener devant ses Justices, pur monstre per quel Title il clame tiel Franchise.

struction that the Grantee cannot have his reasonable Estovers, then the Grantee shall have the aforesaid Writ, which is in nature of a Writ of Waste.

And note that Housebote is certain Estovers to mend the House; and Heybote certain Estovers to mend Heyes and Hedges.

There is another Writ called a Quo minus in the Exchequer, which any Termour or Debtour to the King shall have against any other for Debt or Trespass in the Exchequer Office called the Common Pleas, by which the Plaintiff shall surmise, that for the Wrong which the Defendant doth him, he is less able to pay the King his Debt or Term; which is surmised to give Jurisdiction to the Court of Exchequer to hear and determine the Cause of the Suit between them, which otherwise should be determined in another Court.

Quo warranto.

QUO warranto is a Writ that lies where a Man usurps to have any Franchise upon the King; then the King shall have this Writ to make him come before his Justices, to shew by what Title he claims such Franchise.

R.

R.

Ran.

Ran.

RAN signifies to open a Spoiling of a Ban, that it cannot be denied, Lambard Arch. fol. 125.

RAN signifieat tam apertam Rapinam, que negari non potest. Lamb. Arch. fol. 125.

Ranger.

Ranger.

Ranger comes from the French word Range, (that is, Ordo vel Series) and signifies an Officer of the Forrest that is appointed to walk every Day through the Partieu whereof he is Ranger to drive back the Wild Beasts into the Forrest again ; to see, hear and inquire of Offenders there, and to present their Offences. See Manwood, cap. 20. fol. 185. &c.

Ranger venuist del parol Francois Range, (id est Ordo vel Series) & signifie un Officer del Forrest que est appoint se pourmener chescun jour per le purlieu dont il est le Ranger, pur rechafer les Feres hors ceo en le Forrest arriere; de veier, oyer & inquire des Offenders la, & de presenter lour Offences. Veies Manw. cap. 20. fol. 185. &c.

Ransom.

Ransome.

Ransom signifies properly the Sum that is paid for the redeeming of one that is taken Captive in War. But it is also taken for a Sum of Money paid for the Pardoning of some great Offence; as in the Statute of 1 H. 4. cap. 7. and in other Statutes: Fine and Ransom going together; 23 H. 8. cap. 4. and elsewhere.

Ransome signifie properment ceo Summe que est pay per le Redemption dun que est prise captive en guerre. Mes est auxy use per un Summe des deniers paye pur le pardonner dascun grand Offence; come en le Statute de 1 H. 4. cap. 7. & en auters Stat. Fine & Ransome alants ensemble; 23 H. 8. cap. 3. & aylors.

Rape.

Rape.

RApe hath two significations: the first is when it is taken for part of a County; as Suffex is divided into six parts, which

RApe ad deux significations: Le primer est quant il est prise pur le part del County; come Southsex est divide en sixe

size parts, que per un peculiar nome sont appelle Rapes, *Camb. Britan. p. 225.* & ceux parts en auters pays sont appel Hundreds, Tythings, Lathes, ou Wapentakes.

En l'auter sensé il est le violent Conufance dun feme encounter sa volunt: cest offence est Felonie, cybien en l'Principal come en les Accessories. *V. 11 H. 4. c. 13. 1 Ed. 4. c. 1. Westm. 2. c. 13. Cromptons Just. de Peace, f. 43, 44.*

Rate Tythe.

Rate Tythe est lou Berbits, ou auter avers sont reserve en un Parish pur meinder temps que un an, le Owner doit payer Tythe pur ceux pro rata accordant al Custom del lieu, *Fitz. N. B. 51. Bro. disms 26.*

Rationabili parte bonorum.

Rationabili parte bonorum est un Brief que gist pur un Feme vers le Executors sa baron daver le tierce part de ses biens apres Detts payes & Funeral Expences discharge. Mes si cest Brief gisera al Common Ley, ou solement per le Custom d'ascun Pais, est un question en nostre Livres. *Veies F. N. B. 122. L.*

Rationabilibus divis.

Rationabilibus divis est un Brief que gist lou sont deux Seignories en divers Villes, & un pres de auter, & ascun Parcel de Seignorie, ou de Wast, ad este encroch per perits parcells; donques celuy Seignior de que le parcel de Terre ou le Wast ad este encroche avera cest Brief envers le Seignior que ad issint encroche.

by a peculiar Name are called Rapes, *Cambd. Britan. Pag. 225.* And these parts in other Countries are called Hundreds, Tythings, Lathes or Wapentakes.

In the other Sense it is the violent Deflouring a Woman against her Will: And this Offence is Felony, as well in the Principal as in his Aidors. *See 11 H. 4. c. 13. 1 Ed. 4. c. 1. West. 2. c. 13. Crompt. Just. of Peace, f. 43, 44.*

Rate Tithe.

Rate Tithe is where Sheep or other Cattel are kept in a Parish for less time than a Year, the Owner must pay Tithe for them pro rata according to the Custome of the Place. *Fitz. N. B. 51. Bro. disms 26.*

Rationabili parte bonorum.

Rationabili parte bonorum is a Writ that lies for the Wife against the Executors of her Husband, to have the third Part of his Goods after Debts paid and Funeral Expences discharged. But whether this Writ lies by the Common Law, or only by the Custom of some Countries, is a Question in our Books. *See F. N. B. fol. 122. L.*

Rationabilibus divis.

Rationabilibus divis is a Writ that lies where there are two Lordships in divers Towns, and one nigh the other, and any Parcel of one Lordship, or Waste, hath been incroached by little Parcels; then the said Lord from whom the Parcel of Ground or Waste hath been incroached shall have this Writ against the Lord that hath so incroached.

Ravishment

Ravishment de Gard.

Ravishment de Gard, is a Writ that lies for the Guardian by Knights Service, or in Socage, against him that takes from him the Body of his Ward. And of this see F. N. B. fol. 140. E. &c.

Rebutter.

Rebutter is, when one by Deed or Fine grants to warrant any Land or Hereditament to another, and he who made the Warranty, or his Heir, sues him to whom the Warranty is made or his Heir, or Assignee, for the same Thing: Now if he who is so sued plead the said Deed or Fine with Warranty, and demands Judgment, if the Plaintiff shall be received to demand the Thing which he ought to warrant against that Warranty, by Fine or Deed as foresaid comprehending such Warranty, such Pleading of the Warranty is called a Rebutter.

This word is also a Denomination of a Plea which followeth a Rejoinder: And after the Rebutter followeth the Surrebutter. See Coke's Entries fol. 284.

Recaption.

Recaption is a second Distress of one formerly distrained for the self-same cause, and that during the Plea grounded upon the former Distress. It is also the Name of the writ or Remedy that the Law gives him who is thus twice distrained for one thing: The Form and Use of which Writ you may see in Fitz. N. B. fol. 71. E. &c.

Ravishment de Gard.

Ravishment de Gard est un Brief que gist pur le Gardien en Chivalry, ou Socage, vers cestuy que prist de luy le corps son Gard. Et de ceo veies F. N. B. fol. 140. E. &c.

Rebutter.

Rebutter est, quant un per Fait, ou Fine grant de garantir ascun Terre ou Hereditament a un autre, & cestuy que fist le Garrantie, ou son Heir, sua celuy a que le Garrantie est fait, ou son Heire, ou Assignee: Si celuy que est issint sue pleade le dit Fait ou Fine ove Garrantie, & demand Judgment, si le Plaintiff serra receive a demander le chose que il doit garrant', enconter cel Garrantie, per le Fait ou Fine avantdit, compernant tiel Garrantie, tiel Pleader en Garrantie est appelle un Rebutter.

Cest parol est auxi un denomination de un Plea que succeed le plea appel Surrejoinder, & puis le Rebutter succeed Surrebutter. Queux veies, Cokes Entries, fol 284.

Recaption.

Recaption est un second Distresse d'un que fuit autrefois distrein devant pur mesme le cause, & cest durant le Plea ground sur le former Distresse. Est auxi le nosme del Brief ou Remedy que le Ley done pur cestuy que est issint deux fois distrein pur un chose: Le forme & use de quel Brief poies veier en F. N. B. f. 71. E. &c.

Recluse.

Recluse.

R*Ecluse* est cestuy que per le reason de son Order en Religion ne poit mover ou departer hors de son Meason ou Cloister. Et d'un tiel, *Littleton* parle sect. 434.

Recognizance.

R*ecognizance* est un Obligation fait devant un Master del Court de Chancery pur un Debt, ou a performer Covenant, ou un Order ou Decree del Court sur que un *Elegit* issue si les conditions ne sont performe, mes nul *Capias* sur ceo gist versus le cognisor ou ses Executors. *Quere & vide 2 Leon. 84.*

Record.

R*ecord* est un Escrip en Parchement, ou sont enroll Pleas de Terre, ou Common Pleas, Faits, ou Criminal Proceedings en aucun Court de Record; mes en Courts nient de Record come Admiraltie, Courts Christian, Courts Baron, &c. leur Registrie de procedure no sont proprement dits Records: Mes Courts de Ley teign per Grant del Roy sont Courts de Record.

Lou ascun judicial act est fait durant le Term, le Record remain en le ceur des Judges & deins leur remembrance; & pur ceo le Roll est alterab'e durant cest Term come le Court diretera. Mes quant le Term est finie le Record est en le Roll & ne admittera aucun alteration, amendment ou Proof al contrary.

Recordare.

R*ecordare* est un Brief direct al Viscount pur remover un Cause hors d'un inferior Court

Recluse.

R*Ecluse* is one that by reason of his Order in Religion may not stir or depart out of his House or Cloister. And of such *Littleton* speaks sect. 434.

Recognizance.

R*ecognisance* is an Obligation made before a Master of the Court of Chancery for a Debt, or to perform Covenants, or an Order or Decree of the Court, upon which an Extent issues if the Condition be not performed; But no *Capias* lies upon it against the Cognisor or his Executors. *Quere & vide 2 Leon. 84.*

Record.

R*ecord* is a Writing in Parchment, wherein are enrolled Pleas of Land, or Common Pleas, Deeds or Criminal Proceedings in any Court of Record: But in Courts not of Record, as Admiralty, Courts Christian, Courts Baron, &c. their Registry of Proceedings are not properly called Records: But Courts of Law held by the King's Grant, are Courts of Record.

Where any judicial Act is done during the Term, the Record remains in the Breast of the Judges, and within their Remembrance, and therefore the Roll is alterable during the Term as the Court shall order. But when the Term is ended, the Record is in the Roll, and will not admit of any Alteration, Amendment or Proof to the Contrary.

Recordare.

R*ecordare* is a Writ directed to the Sheriff, to remove a Cause out of an inferior Court, as a Court

Court of Ancient Demefne, Hundred-Court, or County-Court, into the King's Bench, or Common Pleas. And of this see Fitz. N. B. Fol. 70. B.

come Court del Ancient demefne, Hundied Court, ou County Court, en Bank le Roy, ou Common Bank. Et de ce veies F. N. B. f. 70. B.

Recovery.

REcovery is comonly intended a Common Recovery by Assent of Parties to dock an Entail, and is founded upon a Writ of Entry. Also every Judgment is a Recovery by the words Ideo consideratum est quod recuperet.

Recovery.

REcovery est communment intend un common Recovery per assent des parties a docker un Entaile, & est foudue sur un Brief dentry. Auxichescun judgment est recovery per les parols Ideo consideratum est quod recuperet.

Recusants.

REcusants are all those who separate from the Church, and Congregation by the Laws and Statutes established in this Realm, of what Opinion or Sect they are of. As all the Judges have expounded the Statute 35 Eliz. cap. 1. and divers other Stat. See Convict.

Recusants.

REcusants sont tous ceux queux separate del'Eglise & congregation per les Leys & Statutes establies en cest Roialm de quel opinion ou sect ils sont, come tous Judges ont ceo expound sup Statute 35 El. cap. 1. & divers auters Stat. Veies Convict.

Redisseisin.

REdisseisin. Look of that before in the Title Assise.

Redisseisin.

REdisseisin Veies de ceo devant en le Title de Assise.

Re-extent.

RE-extent is a second Extent made upon Lands or Tenements, upon Complaint made that the former Extent was partially performed. Broke tit. Extent, Fol. 513.

Re extent.

RE-extent est un second Extent fait sur Terres ou Tenements, sur complaint fait que le prier Extent fuit partialment performe. Broke, tit. Extent. Fol. 513.

Regarder.

REgarder comes of the French Regardeur, (id est, Spectator) and signifies an Officer of the King's Forest, sworn to take care of the Vert and Venison, and to view and inquire of all the Offences committed within the Forest, and of all the Concealments of them; and if the Officers of the Forest do well

Regarder.

REgarder venust del Francois Regardeur, (i. e. Spectator) & signifie un Officer del Forrest le Roy, jure de prendre le regard del vert & inquire des tous Offences commises deins le Forrest, & des tous les concealments de eux; & si tous les Officers del Forrest bien executont leur Offices ou

memy. *Veies Manw. For. Loys,*
c. 21. f. 191. b.

execute their Offices or no. See
Manwood's Forest Laws, cap. 21.
fol. 191. b.

Regrator.

R*Egrator* est celuy que ad
Blees, Viſuals, ou auters
choſes ſufficient put ſon ne-
ceſſary ops ou expences, &
nient obſtant engroſs & acha-
te en ſes mains plus Blees,
Viſuals, ou auters tiels cho-
ſes, al entent de vend ceſt are-
re al un plus hault & chere
price, en Faires, Markets, ou
tiels ſemblable lieux; de que
veies le Stat. 5 E. 6. c. 14. Il
ſerra punie come *Foreſtaller*.

Rejoynder.

R*Ejoynder* est, quand le De-
fendant fait reſpons al Re-
plication del Plaintiff.

Et cheſcun Rejoynder doit
aver ceux deux propriettes ſpe-
cialment: ceſtaſcavoire il doit
eſtre ſufficient Reſpons al Re-
plication, & de ſubſequent &
enforce le matter del Barr.

Relation.

R*elation* est, lou, en confi-
deration del Ley, deux
temps ou auters choſes ſont
conſideres tielment come ſi fue-
ront tout un, & per ceo le
choſe ſubſequent est dit de
prendre ſon force per *relation* al
temps precedent: Sicome un
deliver un Eſcript al un deſtre
deliver al auter, come Fait
ceſtuy que ceo deliver, quand
l'auter, a que ſeroit deliver,
ad pay aſcun ſomme de mo-
ney; ore quant le money est
pay, & l'Eſcript deliver, ceo
ſerra reputé come Fait ceſtuy
que ceo delivera al temps quant
fuit primes deliver. Iſint Pe-
titions de Parliament, as queux

Regrator.

R*Egrator* is he that hath Corn,
Viſuals, or other things
ſufficient for his own neceſſary
uſe or ſpending, and doth never-
theleſs ingroſs and buy up into
his Hands moze Corn, Viſuals,
or other ſuch things, to the in-
tent to ſell the ſame again at a
higher and dearer Price, in Fairs,
Markets, or other ſuch like
places; whereof ſee the Statute
5 E. 6. cap. 14. He ſhall be
punished as a *Foreſtaller*.

Rejoinder.

R*Ejoinder* is, when the Defen-
dant makes Answer to the Re-
plication of the Plaintiff.

And every Rejoinder ought to
have theſe two Properties ſpeci-
ally; that is, it ought to be a
ſufficient Answer to the Replica-
tion, and to follow and enforce
the matter of the Bar.

Relation.

R*elation* is, where, in Conſi-
deration of Law, two Times
or other things are conſidered
ſo as if they were all one, and
by this the Thing ſubſequent is
ſaid to take its Effect by Relation
at the Time preceding: As if
one deliver a Writing to another
to be delivered to a third Perſon,
as the Deed of him who deli-
bered it, when the other, to
whom it ſhould be delivered,
hath paid a ſum of Money; now
when the Money is paid and the
Writing delivered, this ſhall be
taken as the Deed of him who
delivered it at the time when it
was firſt delivered. So Petiti-
ons of Parliament, to which the
King

King assents on the last day of Parliament, shall relate and be of force from the first day of the beginning of the Parliament. And so it is of divers other like things.

Release.

Release is the Giving or Discharging of the Right or Action which any hath or claims against another, or his Land.

And a Release of Right is commonly made when one makes a Deed to another by these or the like Words, Remised, released, and utterly for me and my Heirs quit claimed to A. B. all my right that I had, have, or by any means may have hereafter, in one Messuage, &c. But these words (whatsoever I may have hereafter) are void: For if the Father be disseised, and the Son release by his Deed without Warranty all his Right, by these words, (whatsoever I may have hereafter, &c.) and the Father dies; the Son may lawfully enter on the Possession of the Disseisor.

Also in a Release of Right it is needful, that he to whom the Release is made have a Freehold or a Possession in the Lands in Deed or in Law, or a Reversion at the time of the Release made; for if he have nothing in the Land at the time of the Release made, the Release shall not be to him available. See more hereof in Litt. lib. 3. cap. 8.

Relicta verificatione.

Relicta Verificatione is when a Defendant hath pleaded, and the Issue is entered of Record, And after that, the Defendant relicta verificatione (que est son

le Roy assent al darreine jour de Parliament, averont relation & prendront leur force del primer jour del commencement del Parliament. Et issint est de divers autres choses semblables.

Release.

Release est le Done ou Discharge del Droit ou Action que aucun eyt ou claime envers auter, ou son Terre.

Et un Release de Droit est communement fait quand un fesoit un fait a un auter per ceux ou tiels parolx, Remisise, relaxasse, & omnino pro me & Hereafter meis quiet clamasse. A. B. totum jus meum quod habui, habeo, seu quovismodo in futuro habere potero, in uno Messuagio &c. Mes ceux parols (quovismodo habere potero) sont voids: Car si le Pere soit disseisie, & le Fils release per son Fait sans Garrantie tout son droit, per ceux parols (quovismodo in fut' habere potero, &c.) & le Pere morust; le Fils poit loyablement enter sur le possession le Disseisor.

Auxy en un Release de Droit il covient que il a que le Release est fait ad un Franktenement ou Possession en les Terres en Fait ou en Ley, ou un Reversion al temps del Release fait; car si ad reins en le Terre al temps del Release fait, le Release ne serra a luy available. Veies plus de ceo. Litt. lib. 3. cap. 8.

Relicta verificatione.

Relicta verificatione est quant un Defendant ad plead, & l'Issue est enter de record. Et puis ceo le Defendant relicta verificatione (que est son plea)

cognoscat actionem, & sur ceo Judgment est enter pur le Plaintiff.

Relief.

Relief est ascun foits un certain summ de money que l'Heir payera al Seignior de que ceux Terres sont tenus, queux apres le decease de son Ancestor sont a luy descende come procheine Heir. Ascun foits il est le Payment d' un autre chose, & nemy money, Et pur ceo Relief nest certain & semblable pur tous Tenures, mes chescun sundry Tenure ad (pur le plus part) son special Relief certain en luy mesme. Neq; est ceo destre paye rours foits al un certain age, mes il varie accordant al Tenure.

Come si le Tenant ad terre tenus per Service de Chivaler, (forspris grand Serjeantie) & morust, son Heire esteant de pleine age, & tient ses Terres per le Service de un entier Fee de Chivalier, le Seignior de que ceux Terres sont issint tenus avera del Heire *C s. nomine Relevii* : & si il tient per meins que un Fee de Chivaler, il payera meins, & si plus, donques plus; aiant respect tous foits al rate pur chescun Fee de Chivaler un cent soulz, Et si tient per grand Serjeantie, (que est rours foits del Roy, & est auxy Service de Chivaler) donques le Relief serra le value del Terre per an, preter tous charges issuant hors de ceo. Et si le Terre soit tenus en Petit Serjeantie ou en Socage, donques pur le Relief le Heire payera al un foits tant que il doit payer annuelment pur son Servicee; que est communement appelle le Doubling del Rent.

Plea) acknowledges the Action, and thereupon Judgment is entered for the Plaintiff.

Relief.

Relief is sometimes a certain sum of Money that the Heir shall pay to the Lord of whom his Lands are holden, which after the Decease of his Ancestor are to him descended as next Heir. Sometimes it is the Payment of another thing; and not Money. And therefore Relief is not certain and alike for all Tenures, but every feveral Tenure hath (for the most part) its special Relief certain in it self. Neither is it to be paid always at a certain Age, but varies according to the Tenure.

As if the Tenant have Lands holden by Knights Service (except Grand Serjeanty) and dies, his Heir being at full Age, and holding his Lands by the Service of a whole Knight's Fee; the Lord of whom these Lands are so holden shall have of the Heir an hundred Shillings in the name of the Relief; and if he held by less than a Knight's Fee, he shall pay less, and if more, then more; having respect always to the Rate for every Knights Fee *C s.* And if he held by Grand Serjeanty, (which is always of the King, and is also Knights Service) then the Relief shall be the Value of the Land by the Year, besides all Charges issuing out of the same. And if the Land be holden in Petit Serjeanty or in Socage, then for the Relief the Heir shall pay at one time as much as he ought to pay yearly for his Service; which is commonly called the Doubling of the Rent.

And if a Man hold of the King in chief, and of other Lords, the King shall have the Ward of all the Lands, and the Heir shall pay Relief to all the Lords at his full Age: but the Lords shall sue to the King by Petition, and shall have the Rent for the time that the Infant was in Ward.

But see now that by the Statute of 2 E. 6. cap. 8. the mesne Lords are not put unto their Petition, but shall have all the Rents paid them by the King's Officers upon Request yearly during the King's Possession.

And note, That always when the Relief is due, it must be paid at one whole Payment, and not by parts, although the Rent be to be paid at several Feasts. See the Statute 12 Car. 2. cap. 24.

Remainder.

Remainder of Land is the Land that shall remain after the particular Estate determined: As if one grant Land for term of Years or for Life, the Remainder to J. S. that is to say, when the Lease for Years is determined; or the Lessee for Life is dead; then the Land shall remain or abide with to, or in J. S. See Reversion.

Remembrancer of the Exchequer.

Remembrancer of the Exchequer; there are three Officers or Clerks there called by that name; one is called the Remembrancer of the King, the other of the Lord Treasurer, and the third of the first-fruits.

Auxy si un home tient del Roy en chief, & des autres Seigniors, le Roy avera le Garde de tous les Terres, & le Heire payera Relief a toutes les Seigniors a son plein age: mes les Seigniors suera al Roy per petition, & avera le Rent pur le temps que le Enfant fuit en Gard.

Mes veies ore que per le Statute de 2 E. 6. c. 8. les mesne Seigniors ne sont mises a lour Petition, mes averont tous les Rents as eux payes per les Officers le Roy sur request annuelment durant le possession le Roy.

Et nota, tous foits quand le Relief est due, il doit estre pay al un entier payment, & nemy per parts, nient obstant que le Rent soit destre paye al several Feasts. Veies le Statute 12 Car. 2. cap. 24.

Remainder.

Remainder de Terre est le Terre que remainera apres le particular Estate determine: Come si un grant Terre pur terme de ans, ou pur vie, le remainder al J. S. cest adire, quant le Lease pur ans est determine, ou le Lessee pur vie est mort, donques le Terre remainera ou abide ove, al, ou en J. S. Veies Reversion.

Remembrancer del Eschequer.

Remembrancer del Eschequer: la sont trois Officers ou Clerks la appel per tiel nosme; le un est appel Remembrancer del Roy, le autre del Seignior Treasurer, & le tierce del Premier fruits.

Le Remembrancer del Roy enter en son Office tous Recogni-
sances pur les Dets le Roy,
Apparances, & pur observer
Orders; auxy il prist tous
Obligations pur ascun des Ders
le Roy, pur Apparances, &
observances d' Orders & fist
Proces sur eux pur le enfrein-
der de eux.

*Le Remembrancer del Seignior
Treasurer* fist Proces vers tous
Viscounts, Escheators, Re-
ceivers, & Bailifes, pur leur
Accounts; il fist le Proces de
Fieri facias, & Extent pur ascun
Dets due al Roy, ou en le
Pipe, ou ove les Auditors:
& il fist Proces pur tout tiel
Revenue que est due al Roy
per reason de ces Tenures.

*Le Remembrancer de les Pri-
mer fruits* prist tous Compo-
sitions pur Primer fruits &
Dismes, & fait Proces envers
ceux que ne pas paya les mesme.
De ceux Officers veies pluis en
*Dal. Livre del Office & Autho-
ritie de Viscounts*, f. 186.

Remitter.

Remitter est, quant un home
ad deux Titles a ascun
Terre, & il vient al Terre per
le darreine Title; uncore il
serra adjudge deins per force
de son pluis eigne Title, &
ceo sera dit a luy un *Remit-
ter*. Come si Tenant en le
taile discontinua le Taile, &
puis disseise son Discontinuee,
& morust ent seise, & les
Terres discendent a son issue
ou Cousin inheritable per force
del Tail; en ceo case il est
en son *Remitter*, cestascavoir,
seise per force del Tail,
& le Title del Discontinuee
est ousterment anient & de-

The King's Remembrancer en-
ters in his Office all Recogni-
sances for the King's Debts,
Appearances, and for observing
of Orders: Also he takes all
Obligations for any of the King's
Debts, for Appearances, and ob-
serving of Orders, and makes
out Process upon them for the
breaking of them.

The Lord Treasurer's Remem-
brancer makes out Process a-
gainst all Sheriffs, Escheators,
Receivers and Bailiffs, for
their Accounts: he makes the
Process of *Fieri facias*, and Ex-
tent for any Debts due to the
King, either in the Pipe, or
with the Auditors; and he
makes Process for all such Re-
venue as is due to the King by
reason of his Tenures.

The Remembrancer of the First-
fruits takes all Compositions
for First-fruits and Tenth, and
makes Process against such
as pay not the same. Of these
Officers see more in Dalton's
Book of the Office and Authority
of Sheriffs, f. 186.

Remitter.

Remitter is, when a Man hath
two Titles to any Land,
and he comes to the Land by
the last Title; yet he shall be
judged in by force of his elder
Title, and that shall be said to
him a *Remitter*. As if Tenant
in Tail discontinue the Tail, and
after disseises his Discontinuee,
and dies thereof seised, and the
Lands descend to his Issue or
Cousin inheritable by force of
the Tail; in that case he is in
his *Remitter*, that is to say,
seised by force of the Tail, and
the Title of the Discontinuee
is utterly annulled and defeated.
And the reason and cause of such
Remitter

Remitter is for that such an Heir is Tenant of the Land, and there is no Person Tenant against whom he may sue his Writ of Formedon to recover the Estate-tail; for he may not have an Action against himself.

Also if Tenant in Tail infeof his Son or Heir apparent who is within Age, and after dies; that is a Remitter to the Heir: But if he were of full Age at the time of such Feoffment, it is no Remitter, because it was his folly, that he being of full Age would take such a Feoffment.

If the Husband alien Lands that he hath in right of his Wife, and after take an Estate again to him and to his Wife for term of their Lives; that is a Remitter to the Woman, because this Alienation is the Act of the Husband, and not of the Woman; for no folly may be adjudged in the Woman during the Life of her Husband.

But if such Alienation be by Fine in Court of Record, such a taking again afterward to the Husband and Wife for term of their Lives shall not make the Woman to be in her Remitter; for that in such a Fine the Woman shall be examined by the Judge, and such Examination in Fines shall exclude such Women for ever.

Also when the Entry of any Man is lawful, and he takes an Estate to him when he is of full Age, if it be not by Deed indented, or matter of Record, which shall stop him, that shall be to him a good Remitter.

fete. Et le reason & cause de tiel Remitter est, pur ceo que tiel Heire est Tenant del Terre, & nest aucun person Tenant vers que il poit suer son Brief de Formedon pur recover l'Estate tail: car il ne puit aver Action vers luy mesme.

Auxy si Tenant en le taile enfeofa son Fitz ou Heire apparent que est deins age, & puis devie, ceo est un Remitter al Heire; mes si il fuit del plein age al temps de tiel Feoffment, il nest Remitter, pur ceo que il fuit son folie, que il esteant de plein age voile prendre tiel Feoffment.

Si le Baron alien Terre que il ad en le droit son Feme, & puis reprist Estate a luy & a son Feme pur terme de leur vies; cest est un Remitter al Feme, pur ceo que cest Alienation est l'Act le Baron, & nemy l'Act de la Feme; car nul folie poit estre adjudge en la Feme durant le vie le Baron.

Mes si tiel Alienation soit per Fine en Court de Record, tel Reprise! apres al Baron & Feme pur terme de leur vies ne ferra la Feme destre en sa Remitter; pur ceo que en tiel Fine la Feme serra examine per le Judge, & tiels examinations en Fines excluderont tiels Femmes a tous jours.

Auxy quant l'Entree d'asc' home est congeable, & il prist Estate a luy quant il est de pleine age, si ne soit per Fait indente, ou matter de Record, que luy estoppera, ceo serra a luy bone Remitter.

Rents.

Rents sont de divers kinds; cestascavoir, Rent-service, Rent-charge, & Rent-secke.

Rent-service est, lou le Tenant en Fee-simple tient sa Terre de son Seignior per Fealtie & certaine Rent, ou per autre Service & Rent; & donques si le Rent soit atere, le Seignior poit distraire, mes il jammais n'avera Action de Det pur ceo.

Auxy si jeo done Terres en le tail a un home, payant a moy certain Rent, ceo est *Rent-service*. Mes en tiel case il convient que le Reversion soit en le Donour: Car si home fait Feoffment en Fee, ou un Done en tail, le Remainder ouster en Fee, sans Fait, reservant a luy un Rent, tiel reservation est voide, & ceo est per force del Statute *Quia emptores terrarum*; & donques il tiendra de le Seignior de que son Donour tenoit.

Mes si home per Fait indent a cel jour fait tiel Done en le taile, le Remainder ouster en Fee, ou lessa pur term de vie, le Remainder ouster; ou un Feoffment, & per mesme l'Indenture reserva a luy un Rent, & que si le Rent soit arriere, que bien liroit a luy a distraire; ore tiel Rent est *Rent-charge*.

Mes en tiel case, si la ne soit clause de Distress en le Fait, donques tiel Rent est appel *Rent-seck*, pur quel il ne jammais distraira; mes si fuit un foits seisie, il avera Assise; & si il jammais ne fuit seisie, est sans remedie.

Auxy si un grant un Rent issuant hors del sa Terre, ove clause de Distress, cest un

Rents.

Rents are of divers kinds; that is, Rent-service, Rent-charge, and Rent-seck.

Rent-service is where the Tenant in Fee-simple holds his Land of his Lord by Fealty and certain Rent, or by other Service and Rent; and then if the Rent be behind, the Lord may distrain, but shall not have an Action of Debt for it.

Also if I give Land in tail to a Man, paying to me certain Rent, that is Rent-service. But in such case it behoves that the Reversion be in the Donor: For if a Man make a Feoffment in Fee, or a Gift in tail, the Remainder over in Fee, without Deed, reserving to him a certain Rent, such Reservation is void, and that is by the Statute *Quia Emptores Terrarum*; and then he shall hold of the Lord of whom his Donor held.

But if a Man by Deed indented at this day make such Gift in Tail, the Remainder over in Fee, or lease for Term of Life, the Remainder over, or a Feoffment, and by the same Indenture reserve to him Rent, and that if the Rent be behind, it shall be lawful for him to distrain; that is a Rent-charge.

But in such case, if there be no Clause of Distress in the Deed, then such a Rent is called Rent-seck, for which he shall never distrain; but if he were once seised, he shall have Assise; and if he were not seised, he is without Remedy.

And if one grant a Rent going out of his Land, with clause of Distress, that is, a Rent-charge;

charge; and if the Rent be behind, the Grantee may chuse to distrain, or sue a Writ of Annuity, but he cannot have both; for if he bring a Writ of Annuity, then the Land is discharged. And if he distrain, and avow the taking in Court of Record, then the Land is charged, and the person of the Grantor discharged.

Also if one grant a Rent-charge, and the Grantee purchases half, or any other part or parcel of the Land, all the Rent is extinct. But in Rent-Service, if the Lord purchase parcel of the Land, the Rent shall be apportioned.

If one hath a Rent-charge, and his Father purchase parcel of the Land, and that parcel descends to the Son, who hath the Rent-charge; then the Rent shall be apportioned according to the value of the Land, as it is said of Rent-service; because the Son comes to that not by his own Act, but by Descent.

Also if I make a Lease for term of Years, reserving to me a certain Rent, that is called a Rent-Service, for which it is at my Liberty to distrain, or to have an Action of Debt: But if the Lease be determined, and the Rent behind, I cannot distrain, but shall be put to my Action of Debt.

And note well, that if the Lord be seised of the Service and Rent aforesaid, and they be behind, and he distrain, and the Tenant rescues the Distress, he may have Assise, or a Writ of Rescous; but it is more necessary for him to have Assise, than a Writ of Rescous; for

Rent-charge, & si le Rent soit arriere, le Grantee peut eslier de distraire, ou suer un Brief de Annuite, mes il ne peut avoir ambideux; car sil port Brief d'Annuite, donques le Terre est discharge. Et si il distraise, & avow le prisel en Court de record, donques le Terre est charge, & le person del Grantor discharge.

Auxy si un grant un Rent charge, & le Grantee purchase le moietie, ou asc' autre part ou parcel de le Terre, tout le Rent est extinct. Mes en Rent service, si le Seignior purchase parcel del Terre, le Rent serra apportion.

Si un ad un Rent-charge, & son Pere purchase parcel de Terre, & cel parcel descenda a le Fitz, que ad le Rent charge; ore cel Rent serra apportion solongue le value del Terre, come est dit de Rent service; pur ceo que le Fitz ne vient a ceo per son act demesne, mes per descent.

Auxy si jeo face un Lease pur term de ans, reservant a moy un certain Rent, cest appel un Rent service, pur quel il est a mon libertie a distraire pur le Rent, ou aver un Action de Det: mes si de Lease soit determine, & le Rent soit arere, jeo ne puisse distraise, mes serra mis a mon Action de Det.

Et nota, que si le Seignior soit seisie de Service & Rent avantdits, & ils foyent arriere, & il distrain, & le Tenant rescue le Distress, il peut aver Assise, ou Brief de Rescous; mes il est plus necessarie pur luy d'aver Assise, que Brief de Rescous: pur

pur tant que per Assise il recou-
vera son Rent & ses Damages ;
mes per cest Brief de Rescous
il ne recouera mes Damages,
& le chose distraine serra re-
prise.

Si le Seignior ne soit my
seisie del Rent & Service, &
ils sont aderere, & il distrein
pur eux, & le Tenant reprent
le Distresse ; il ne poit my a-
ver Assise, mes Brief de Res-
cous, & ne covient my al Seig-
nior de monstre son droit.

Si le Seignior ne poit my
trover Distresse per deux ans,
il avera vers le Tenant Brief
de *Cessavit per biennium*, ut pa-
tet per le Statute de *Westm. 2.*
cap. 21.

Et si le Tenant devie en le
mean temps, & son Issue enter,
le Seignior avera vers le Issue
Brief de Entry sur *Cessavit* ; ou
si le Tenant alien, le Seignior
avera vers le Alienee le avant-
dit Brief. Mes si le Seignior
ad Issue & devie, & le Tenant
soit en arrearages del dit Rent
& Services en le temps le Pere,
& nemy en le temps del Issue ;
il ne poit my distrein pur ar-
rearages en temps son Pere, &
navera ascun auter Recoverie
vers le Tenant ou ascun auter,
pur ceo que tiel advantage est
done per le Ley al Tenant.
Et nota que fealty appent de
common droit a Rent service,
mes nemy a Rent charge ne
Rent seck.

Si home distrein pur Rent
charge, & le Distresse soit
rescue de luy, & il ne fuit my
seisie adevant, il ne ad my Re-
coverie forsq ; per Brief de Re-
scous ; car le Distresse primer-
ment fait ne done a luy Seisin,
forsque sil nad le Rent ade-

that by Assise he shall recover
his Rent and his Damages ;
but by a Writ of Rescous he
shall recover only Damages,
and the thing distrained shall be
repleased.

If the Lord be not seised of
the Rent and Service, and they
be behind, and he distrein for
them, and the Tenant take again
the Distress ; he shall not have
Assise, but a Writ of Rescous,
and the Lord shall not need to
shew his Right.

If the Lord cannot find a
Distress in two Years, he shall
have against the Tenant a Writ
of *Cessavit per biennium*, as it
appears by the Statute of *Westm.*
2. cap. 21.

And if the Tenant die in the
mean time, and his Issue enter,
the Lord shall have against the
Issue a Writ of Entry upon
Cessavit ; or if the Tenant alien
the Lord shall have against the
Alience the foresaid Writ. But
if the Lord have Issue, and die,
and the Tenant be in Arrearages
of the said Rent and Service in
the time of the Father, and not
in the time of the Issue ; he may
not distrein for the Arrearages in
the time of his Father, and he
shall have no other Recovery a-
gainst the Tenant or any other,
because such Advantage is given
by the Law to the Tenant. And
note, that Fealty of common
Right belongs to Rent-service,
but not to Rent-charge nor Rent-
seck.

If a Man distrein for Rent-
charge, and the Distress be re-
scued from him, and he was ne-
ver seised before, he hath no
Recovery but by Writ of Re-
scous ; for the Distress first taken
gives not Seisin to him, unless
he had the Rent before : for if
he

he were seised of the Rent before, and after the Rent he be hind, and he distrain, and Rescous be made, he shall have Assise, or a Writ of Rescous.

In every Assise of Rent-charge, and annual Rent, or a Writ of Annuity, it behoves him that brings the Writ to shew an Especialty, or else he shall not maintain the Assise. But in an Assise of Mortdancerstoz or Formedon in the Descender or other Writs (in which Title is given or comprised) brought of Rent-charge or annual Rent, the Especialty need not be shewn.

And note well, that if a Man grant a Rent-charge to another, and the Grantee release to the Grantor parcel of the Rent, yet all that Rent is not extinct.

If Rent-charge be granted to two jointly, and the one release, yet the other shall have the half of the Rent. And if the one purchase the half of the Land whereout the Rent is going, the other shall have the half of the Rent of his Companion. And if the Disseisor charge the Land to a Stranger, and the Disseisee bring an Assise and recover; the Charge is defeated. But if he that hath Right charges the Land, and a Stranger feign a false action against him who hath no Right, and recovers by Default, the Charge abides.

In case Partition be between two Parceners, and more Land be allotted to one than to the other, and she that hath most of the Land charges her Land to the other, and she happeth the Rent; she shall maintain Assise without Especialty.

And it is a Rent-seck, where a Man holds of me by Homage,

vant: car si il fuit seisie del Rent adevant, & puis le Rent soit aderere, & il distrein, & Rescous soit fait, il avera Assise, ou Brief de Rescous.

En chescun Assise de Rent-charge, & annual Rent, ou en un Brief de Annuity, covient a celui que port le Brief de monstre avant un Especialty, ou autrement il ne maintiendra le Assise. Mes en Assise de Mortdancerstor ou Formedon en le discender, & auters Briefs (en les queux Title est done ou comprise) port de Rent-charge ou de annual Rent, nest besoigne de monstre Especialty.

Et nota bien, que si home grant Rent-charge a un autre, & le Grantee release al Grantor parcel de le Rent, uncore tout le Rent nest extinct.

Si Rent-charge soit grant a deux jointlyment, & le un release, uncore le autre avera le moietie del Rent. Et si l'un purchase le moietie de le Terre dont le Rent est issuant, l'autre avera le moietie del Rent de son compaignon: Et si le Disseisor charge la Terre a un Estranger, & le Disseisee port le Assise & recover; le charge est defeate. Mes si celui que ad droit charge la Terre, & un Estranger faine un faux Action envers luy que nad droit, & recover per Default; le charge demurra.

En case Partition soit perenter deux Parceners, & plus Terre soit allotte a lun que a l'autre, & el que ad plus del Terre charge sa Terre al autre, & el happe le Rent; el maintiendra Assise sans Especialty.

Et est un Rent seck, lou homme tient de moy per Homage, Fealty,

Fealty, & auter Services, rendant a moy un certain Rent per an, que jeo grant a un auter, reservant a moy les auters Services.

Si Rent seck soit grant a un home & ses Heirs, & le Rent soit arere, & le Grantor devie; le Heir ne purra my distrainer, ne recovers les arrearages de temps son Pere, sicome est avantdit de Rent service.

Et in mesme le manner est de Rent charge ou annual Rent. Mes en tous ces Rents le Heir poit aver pur arrearages en son temps demesne tiel advantage come avoit son Pere en sa vie. Vide Stat. 32 H. 8. cap. 37.

Et nota bien, que en Rent seck si home ne soit seisie del Rent, & il soit aderere, il est sans recovery, pur ceo que il fuit son folly demesne al primer, quant le Rent fuit grant a luy ou reserve, que il ne prist my Seisin del Rent, sicome un denier ou deux.

Home ne poit avere *Cessavit per biennium*, ou un auter Brief d'entry sur *Cessavit*, pur ascun Rent seck aderere per deux ans, mes il purroit tant solement pur Rent service, ut patet in le Stat. Westm. 2. cap. 21.

Il covient pur luy que sue pur Rent seck monstre Fait al Tenant, auterment le Tenant ne serra my charge del Rent, forsque lou le Rent seck fuit Rent service adevant; come en cest case, Seignior, Mesne & Tenant, & chescun de eux tient de auter per Homage & Fealtie, & le Tenant de Mesne per 10 s. de Rent; le Seignior paramount purchase les Terres

Fealty, and other Services, yielding to me a certain yearly Rent which I grant to another, reserving to me the other Services.

If Rent-seck be granted to a Man and to his Heirs, and the Rent be behind, and the Grantor die, the Heir may not distrain nor shall recover the Arrearages of the Time of his Father, as it is said befoze of Rent-Services.

And in the same Banner it is of Rent-charge, or annual Rent. But in all these Rents the Heir may have for the Arrearages in his own time such Advantages as his Father had in his Life. See the Statute 32 H. 8 cap. 37.

And note well, that in Rent-seck, if a Man be not seised of the Rent, and it be behind, he is without Recovery, for that it was his own Folly at the beginning, when the Rent was granted him or reserved, that he took not Seisin of it, as a Penny or two Pence.

A Man may not have a *Cessavit per Biennium*, or any other Writ of Entry sur *Cessavit*, for any Rent-seck behind by two years, but only for Rent-Service, as it appears in the Stat. West. 2. cap. 21.

It behoves him that sues for Rent-seck to shew a Deed to the Tenant, else the Tenant shall not be charged with the Rent, except where the Rent-seck was Rent-Service befoze; as in this case, Lord, Mesne, and Tenant, and every of them holds of other by Homage and Fealty, and the Tenant of the Mesne by 10 s. Rent; the Lord paramount purchases the Lands

of Tenements of the Tenant, all the Seigniorie of the Mesne, but the Rent, is extinct: And for this Cause this Rent is become Rent-seck, and the Rent-service changed, for he may not distrain for this Rent; and in this case he that demands the Rent shall never be charged to shew a Deed.

Also in a Writ of Mordancestor, Ayle or Besayle, of Rent-seck, it needs not to shew a Specialty, for that these Writs of Possession comprehend a Title within themselves, that is to say, that the Ancestor was seised of the same Rent, and continued his Possession, in respect of which Seisin the Law supposes that it is also averrable by the Country.

Yet learn, for some suppose a necessity to shew forth a Deed, because Rent-seck is a thing against common Right, as well as Rent-charge.

But in Assise of Novel disseisin, and in a Writ of Entry sur disseisin brought of Rent-seck, it is needful to shew forth a Deed; for that Rent-seck is a thing against common Right, except in the case aforesaid, where it was Rent-service before, and by the Act of Law it is become Rent-seck.

And the Assise of Novel disseisin and a Writ of Entry sur disseisin contain within them no Title, but suppose a Disseisin to be done to the Plaintiff; and by the Intendment of the Law the Disseisin gives no cause of Averment against common Right, but there is a necessity to shew forth a Deed.

ou Tenements de Tenant, tout le Seigniorie del Mesne, forspise le Rent, est extinct; & pur cest cause cest Rent est devenu Rent seck, & le Rent service change, car il ne poit distraire pur cest Rent; & en cest case celuy que demanda le Rent ne serra jammes charge de monstre Fait.

Auxy en Brief de Mordancestor, Ayle, ou Besayle, de Rent seck, il ne besoigne de monstre Especialtie, pur ceo que ceux Briefs de Possession comprehendont ou Title deins eux mesmes, cestascavoir, que le Ancestor fuit seisie de mesme le Rent, & continua son possession; per cause de quel Seisin le Ley suppose que est auxy averrable per le Pays.

Tamen quære, car aucuns supposant un fine force a monstre avant un Fait, pur ceo que Rent seck est un chose encounter common droit, auxy bien come Rent charge.

Mes en Assise de Novel disseisin, & en Brief de Entry sur disseisin port de Rent seck, il covient de fine force monstre avant Fait; pur ceo que Rent seck est un chose encounter common droit, sinon en le case suisdit, ou il fuit Rent service adevant, & per le act del Ley est devenu Rent seck.

Et Assise de Novel disseisin & Brief de Entry sur disseisin ne conteigne deins eux nul Title, mes supposant un Disseisin destre fait en le Plaintiff; & per entendment del Ley le Disseisin ne done nul cause de Averment encounter common droit, mes de fine force il monstre avant Especialtie.

Replender.

Repleader.

Repleader est, ou le Plees de Plaintiff ou Defendant, ou ambideux, sont male, ou un impertinent Issue joyne, doncque le Court annul tous ceux pleas queux sont male, & a-gard quod partes replacent. *Co. Ent. 152, 221, 224.*

Replevin.

Replevin est un Brief que gist quant un home est distreine pur Rent ou autre chose, donques il avera cest Brief al Viscount, pur deliver a luy le Distresse, & trovera Surety de pursuer son Action; & si il ne pursua, ou si soit trove & judged encounter luy, donques cestuy que prist le Distresse re-avera Distresse, que est appele Retourne des Avers; & il avera en tiel case Brief appel *Returno habendo*.

Mes si le Defendant avow pur Rent, il poit aver judgment pur le value des avers per le Statute 17 Car. 2. cap. 7.

Si soit en ascun Franchise ou Bailiwick, le party avera un Replevin del Viscount directe al Bailiff de mesme le Franchise, pur eux redeliver, & il trovera Surety de pursuer son Action de prochain County. Et cest Replevin poit estre remove hors del County en le Common banke per Brief de *Recordare*.

Vide plus de Replevin devant Title *Distress*.

Auxi vide *Mic. 2 E. 3. pl. 31. & 7 E. 3. 27. pl. 13.* un parol Plevin, ou terre fuit prist en la main le Roy, & puis sont deliver ou Replevy hors des

Repleader.

Repleader is, where the Pleas of the Plaintiff or Defendant, or both, are ill, or an impertinent Issue joined, then the Court makes void all the Pleas which are ill, and awards the Parties to replead. *Coke Entr. 152, and 221, 224.*

Replevin.

Replevin is a Writ that lies where a Man is distrained for Rent or other thing, then he shall have this writ to the Sheriff, to deliver to him the Distress, and shall find Surety to pursue his Action; and if he pursue it not, or if it be found or judged against him, then he that took the Distress shall have again the Distress, which is called the Return of the Beasts; and he shall have in such case a Writ called *Returno habendo*.

But if the Defendant avow for Rent, he may have Judgment for the Value of the Cattel by the Statute of 17 Car. 2. cap. 7.

If it be in any Franchise or Bailiwick, the Party shall have a Replevin of the Sheriff directed to the Bailiff of the same Franchise, to deliver them again, and he shall find Surety to pursue his Action at the next County. And this Replevin may be removed out of the County unto the common Place by Writ of *Recordare*.

See more of Replevin in the Title *Distress*.

Also see *Mic. 2 E. 3. pl. 31. & 7 E. 3. 27. pl. 13.* the word Plevin, where Lands were taken out of the King's hands, and are afterwards delivered or replevied out

of the King's hands. For which see Stat. 9 E. 3. cap. 2.

The Writ of Homine replegiando lies where a Man is in Prison, and not by special Commandment of the King, nor of his Justices, or for the Death of a Man, nor for the King's Forfeiture, nor for such cause which is not repleviable; then he shall have this Writ directed to the Sheriff, that he cause him to be replevied. This Writ is a Justicies, and not returnable. And if the Sheriff do it not, then there shall go forth another Writ, Sicut alias; and afterward another Writ, Sicut pluries, vel causam nobis significes, which shall be returnable. And if the Sheriff yet make no Replevin, then there shall issue an Attachment directed to the Coroners to attach the Sheriff and to bring him before the Justices at a certain Day; and farther, that they make Execution of the first Writ.

mains le Roy, per que veies Stat. 9 E. 3. cap. 2.

Brief de Homine replegiando gist lou un home est en Prison, & nemy per especial commandement le Roy, ne de ses Justices, ne pur le mort de home, ne pur le Forfeiture le Roy, ne pur tiel cause que nest repleviable; donques il avera cest Brief direct al Vicount, que il luy faire estre replevy. Et cest Brief est un Justicies, & nient retournable. Et si Vicount ne ceo face, donques issira auter Brief, Sicut alias; & apres auter Brief, Sicut pluries, vel causam nobis significes, que serra retournable. Et si le Viscount uncore ne face Replevin; donques issira un Attachment directed al Coroners dattacher le Viscount, & de luy amesner devant les Justices a un certain jour, & ouster ceo que ils facent execution del primer Brief.

Replication.

Replication is, when the Defendant in any Action makes an Answer, and the Plaintiff replies to that; that is called the Replication of the Plaintiff.

Replication.

Replication est, quant le Defendant en aucun Action fait Respons, & le Plaintiff replie a ceo, ceo est appel le Replication del Plaintiff.

Reprieve.

Reprieve comes from the French Repris, that is, taken back; so that to reprieve is properly to take back or suspend a Prisoner from the Execution and Proceedings of the Law for that time.

Reprieve.

Reprieve venust del Francois Repris, Resumptus; issint que repriver est properment de resumer un Prisoner del Execution & proceeding del Ley pur ceo temps.

Reprises.

Reprises are Deductions, Payments and Duties that go yearly, and are paid out of a Manor; as Rent-charge, Rent-seck, Pensions, Corrodies, An-

Reprises.

Reprises sont Deductions, Payments & Duries que va annuelment & sont pay hors de un Mannour; come Rent charge, Rent seck, Pensions, Corrodies, Annuities, Fees de Senef-

Seneschals ou Baylifes, & tiels
semblables.

Requests.

REquests est un Court teigne
en le Palace del Roy, de-
vant le Master de Requests
per Petition, & semble estre
un Court d'Equity.

Rere County.

REre County (*Retrocomitatus*)
est un parol use en les Stat.
Westm. 2. c. 39. & 2 E. 3. c. 5.
& semble per ceux Stat. destre
ascun publique lieu que l'Vis-
count appoint pur le receit des
deniers le Roy apres le fine de
son County Court.

Resceit.

REsceit est, quant ascun Acti-
on est port vers Tenant
pur terme de vie ou de ans,
& cestuy en le Reversion vient
eins & pria destre *receive* pur
defend le Terre, & pur pleader
ovesque le Demandant: Auxy
quant il vient, il covient que
il soit tous foits prist a pleader
ove le Demandant. En mesme
le manner un Feme serra *re-
ceive* pur default son Baron en
Action port vers ambideux.
Et Tenant pur ans serra *receive*
a defende son droit, lou, en
un Action port vers Tenant
del Frank-tenement, il plede
faintment.

Rescous.

REscous est un Brief que gist
quant ascun home prent
Distress, & un auter repriss de
luy, & ne voile suffer luy
amesner l'Distress; ceo est un
Rescous, surquel il poit aver cest
Brief, & recoversa damages.

Auxy si un distrein Beasts
pur damage feasant en sa Ter-
re, & les enchasea per le hault

nuities, Fees of Stewards or
Bailiffs, and such like.

Requests.

REquests is a Court held in
the King's Palace before the
Master of the Requests by Peti-
tion, and it seems is a Court
of Equity.

Rere County.

REre County is a Word used
in the Statutes of Westm.
2. cap. 39. and 2 E. 3. c. 5. and
seems by those Statutes to be
some publick Place which the
Sheriff appointed for the receiv-
ing of the King's Money after
his County Court was done.

Resceit.

REsceit is, when any Action is
brought against the Tenant
for term of Life or Years, and
he in the Reversion comes in
and prays to be received to de-
fend the Land, and plead with
the Demandant: And when he
comes, it behoves that he be al-
ways ready to plead with the
Demandant. In the same man-
ner a Wife shall be received for
the default of her Husband in an
Action brought against them both.
And the Tenant for Years shall
be received to defend his Right
where, in an Action brought a-
gainst the Tenant of the Free-
hold, he pleads faintly.

Rescous.

REscous is a Writ that lies when
any Man takes a Distress, and
another takes it again from him,
and will not suffer him to carry
the Distress away; this is a *Res-
cous*, upon which he may have this
Writ, and shall recover damages.

Also if one distrain Beasts for
Damage-feasant in his Ground,
and drives them in the High-way
to

to impound them, and in going they enter into the House of the Owner, and he withhold them there, and will not suffer the other to impound them; that withholding is a Rescous.

Also if a Sheriff takes my Debtor by any Execution, or by mesne Process, and J. S. rescue him out of the Custody of the Sheriff, I may have an Action of Rescous against J. S. for this Wrong, and recover Damages and Debt.

Reservation.

Reservation is taken divers ways, and hath divers Natures. As sometimes by way of Exception, to keep that which a Man had before in him: As if a Lease be made for Years of Ground, reserving the great Trees growing upon the same, now the Lessee may not meddle with them, nor with any Thing that comes of them, so long as it abides in or upon the Trees, as Mast of Oak, Chestnut, Apples, or such like: but if they fall from the Trees to the Ground, then they are by right the Lessee's; for the Ground is let to him, and all thereupon not reserved, &c.

Sometimes a Reservation doth produce and bring forth another thing which was not before: As if a Man lease his Lands, reserving yearly for the same xx li. &c. And divers other such Reservations there be.

And note, That in ancient Time their Reservations were as well in Victuals, whether Flesh, Fish, Corn, Bread, Drink, or what else, as in Money, until at last, and that chiefly in the Reign of King Henry 1. by agreement the Reservation of Victuals was

chimin pur eux enparker, & en alant ils entrent en le maison de celui a que ils sont, & il eux detient la, & ne voile suffer le autre de eux enparker; ceo detainer est Rescous.

Auxi si le Viscount prist mon dettor per Execution ou mesne Process, & J. S. rescue luy hors del Custody del Viscount, jeo avera action de Rescous versus J. S. pur cest tort & recouvrera Damages & Debt.

Reservation.

Reservation est prise divers voyes, & ad divers natures. Come ascun foits per voy de exception, de reserve ceo q; un home ad devant en luy: Come si un Lease soit fait pur ans de Terre, reservant les grand Arbors croissent sur ceo, ore le Lessee ne poit meddle ovesque eux, ne ovesque aucun chose que vient de eux, cy longe come il demurt en ou sur les Arbors, come Mast de Oake, Chestnut, Pomes, ou tiels semblables: mes s'ils chient del Arbors al terre donques ils sont en droit l'Lessee, car le Terre est lessé a luy, & tout sur c' nient reserve, &c.

Ascun foits un Reservation obtaine & port hors un autre chose q; ne fuit devant: Come si un home lessa ses Terres reservant annualment pur ceo xx. li. &c. Et divers autres tiels Reservations y sont.

Et nota, que en ancient temps leur Reservations fueront cybien en Victuals, soit ceo Carne, Pisse, Blees, Pane, Boyer, ou autrement, come en Money, tanq; al darreine, & specialment en le temps del Roy Henry 1. per agreement

le Reservacion de Victuals fuit changed into ready Money, as it change en prist Money, come hath hitherto continued. il ad tanque cy continue.

Residence.

Residence venust del Latine *Residere*, & est tout un ove *Resiance*, si non que cest parol *Residence* est plus tost appropriate al Continuance dun Parson ou Vicar sur son Eglise ou Benefice; & issint est use en le Stat. de 28 H. 8. cap. 13.

Resignation.

Resignation est, lou un Incumbent de un Eglise resigne ou relinquish ceo al Ordinarie, que luy ait admit a ceo, ou a les Successors; que differ del *Surrender*, quant per cel il a que le Resignation est fait nad aucun Interest en le chose issint resigne, mes cestuy a que surrender est fait avoit per ceo le chose mesme.

Respondeat Superior.

Respondeat Superior est lou les Viscounts sont removeable pur insufficiency (come en Londres) Respondeat Superior, i. e. le Mayor & Commonalty: Issint pur le insufficiency del Bailiff de un Liberty, respondeat dominus Libertatis.

Restitution.

Restitution est quant un Judgment est reverse per Error, donque Brief de Restitution issira pur le Defendant en le Action a restorer a luy tout ceo que il ad perdus. Est auxi un Brief de Restitution de Biens emblees sur Conviction d'un larron, quel est fait al Session ou Assizes, sur Stat. 21 H. 8. 11. Noy. Rep. 128.

Residence.

Residence comes from the Latine *Residere*, and is all one with *Resiance*, but that this word *Residence* is often appropriated to the Continuance of a Parson or Vicar upon his Church or Benefice; and so it is used in the Statute of 28 H. 8. cap. 13.

Resignation.

Resignation is, where an Incumbent of a Church resigns or leaves it to the Ordinary, who did admit him to it, or to his Successors; which differs from *Surrender*, since by that be to whom the Resignation is made hath no interest in the thing so resigned, but he to whom the *Surrender* is made hath by that the thing in it self.

Respondeat Superior.

Respondeat Superior, is where the Sheriffs are removeable for Insufficiency (as in London) Respondeat Superior, i. e. the Mayor and Commonalty: So for the Insufficiency of the Bailiff of a Liberty, respondeat dominus Libertatis.

Restitution.

Restitution is, when a Judgment is reversed by Error, then a writ of Restitution shall issue, to restore to the Defendant in the Action what he hath lost. And there is a Writ of Restitution of stolen Goods, upon Conviction of the Thief, which is made at the Sessions or Assizes, on the Statute of 21 H. 8. 11. Noy Rep. 128.

Resum.

Resummons.

Resummons is a second Summons of a Man to answer to an Action, where the first Summons is defeated by the Demise of the King, or such other cause. And of this see Coke, lib. 7. fol. 29. b.

Also if a Terr-tenant returned upon Scire facias, or Defendant in another Action plead Non-age, and the Plea stays until, &c. When he comes of full Age, the Plaintiff upon a Suggestion, may have a Scire facias or Resummons: and so when a Plea is staid by pleading Protection, Excommunication, or such other Disability.

Resumption.

Resumption is a word used in the Statute of 31 H. 6. c. 7. and is there taken for the Taking again into the King's hands such Lands or Tenements as upon false Suggestion or other Error he had made Liberty of to an Heir, or granted by Patent to any Man.

Retraxit.

Retraxit is the Preterperfect Tense of Retraho, to pull back; and is, when the Party, Plaintiff or Demandant comes in proper Person into the Court where his Plea is, and saith he will not proceed any farther in the same, &c. this will be a Bar to the Action for ever. See Co. Lit. 139. a.

Return.

Return hath two Significations. The one is the Return of Writs by Sheriffs and Bailiffs: The other is in Replevin when Beasts are distrained; and

Resummons.

Resummons est un Second Summons de un home pur responder al un Action, lou le primer Summons est defeat per le Demise le Roy, ou tiel semblable cause. Et de ceo veies Coke, lib. 7. f. 29. b.

Auxi si Terr-tenant retourne sur Scire facias, ou auter Action, plead non-age, & le parol demurr tanque, &c. Quant il veign de plein age, le Plaintiff, sur suggestion poit aver Scire facias ou resum': Et issint ou plea est stay per pleder de Protection, Excomengement, ou auter tiel disability.

Resumption.

Resumption est un parol use en le Stat. de 31 H. 6. c. 7. & est la prise pur le Reprendre en les mains le Roy de tiels Terres ou Tenements come sur faux suggestion ou auter error le Roy ussoit deliver al un Heire ou grant per Patent al ascun home.

Retraxit.

Retraxit est le Preterperfect tense de Retraho, pur evulser arere; & est, quant le Plantif ou Partie Demandant vient en proper person en le Court lou son Suit est, & dit que il ne voie *Uterius prosequi in placio illo*, &c. ceo serra un Barre al Action a tous jours. Veies Co. Lit. 139. a.

Return.

Return avoit deux significations. Le un est le return del Briefs per Viscounts ou Bailiffs. Le auter est en Replevin, quant Avers sont distrein, & il

& il justifie son aét, esteant legal, les avers serront return a luy. Bro. Tit. Return 218.

he justifies his Act being lawful, the Cattel shall be returned to him. Bro. tit. Return 218.

Reve, ou Reeve.

Reeve est un Officer pluis conous en ancient temps que a cest jour; car chesc' Mannor ad donques un Reeve, & uncore en divers Copihold Mannors (ou le veiels custom prevaile) le nosme & office, nest en tout oblie. Et est en effect cep que a ore chescun Bailiff d'un Mannor practise, nient obstant le nosme de Baliff ne fuit donques en ure enter nous, esteant puis port eins per les Normans. Mes le nosme de Reeve, ancientment appel Gereve, (quel partiele (Ge) en continuance del temps fuit ousterment amise & perde) vient del Saxon parol Gerefa, que signifie un Ruler: Et issint verament son Rule & Auctoritie fuit large deins le compas del Mannor son Seignior, & enter ses homes & Tenants, cybien en choses de Government en peace & guerre, come en le skilful use & trade de Husbandry. Car sicome il collect les Rents del Seignior, pay Reprises ou Duties issuant hors del Mannor, appoint les Servants de worker, succide & decoupe Arbres pur repaier les Edifices & Enclosures, ovesque divers tiels semblables, pur le commodite del Seignior; issint auxy il ad auctoritie de gouverner & gard les Tenants en paix, & sil besoigne, de conduire eux en guerre.

Reversion.

Reversion de Terre est un certaine Estate, remanant en le Lessor ou Donor, apres le

Reve, or Reeve.

Reeve is an Officer moze known in ancient Time than at this Day; for almost every Manoz had then a Reeve, and yet still in many Copyhold Manors (where the old Custom prevails) the Name and Office is not altogether forgotten. And it is in effect that which now every Bailiff of a Manoz practises, although the name of Bailiff was not then in use amongst us, being since brought in by the Normans. But the name of Reeve, anciently called Gereve, (which Partiele (Ge) in continuance of Time was altogether left out and lost) came from the Saxon word Gerefa, which signifies a Ruler: And so indeed his Rule and Authority was large within the Compass of his Lord's Manor, and among his Men and Tenants, as well in matter of Government in Peace and War, as in the skilful Use and Trade of Husbandry. For as he did gather his Lord's Rents, pay Reprises or Duties issuing out of the Manor, set the Servants to Work, fell and cut down Trees to repair the Buildings and Inclosures, with divers such like, for his Lord's Commodities; so also he had Authority to govern and keep the Tenants in Peace, and if need requited, to lead them forth to War.

Reversion

Reversion of a Land is a certain Estate remaining in the Lessor or Donor, after the particular

cular Estate and Possession conveyed to another by Lease for Life or Years, or Gift in tail.

And it is called a Reversion in respect of the Possession separated from it; so that he that hath the one, hath not the other at the same time; for in one Body at the same time there cannot be said a Reversion, because by the uniting the one of them is drowned in the other.

And so the Reversion of Land is the Land it self when it falls.

Ribaud.

Ribaud seem to be sturdy Vagabonds. Rot. Par. 50 E. 3. 61.

Right, and Right of Entry.

Right, and Right of Entry. See in Droit.

Riot.

Riot is, when three (at the least) or more do some unlawful Act; as to beat a Man, enter upon the Possession of another, or such like.

Robbery.

Robbery is, when a Man takes any thing from the Person of another Feloniously; although the thing so taken be to the value but of a Penny, yet it is Felony, for which the Offender shall suffer Death.

Rood of Land.

Rood of Land is a certain quantity of Land containing the fourth part of an Acre. Anno 5 Eliz. c. 5.

particular Estate & Possession convey al un auter per Lease pur vie ou ans, ou Done en taile.

Et est appel un *Reversion* en respect de le possession separate de ceo; issint que il que ad le un nad le auter a mesme le temps; car en un corps simul la ne poit estre dit un *Reversion*, pur ceo que per le uniting le un est merge en le auter.

Et issint le *Reversion* del Terre est le Terre mesme quant il eschuißt.

Ribaud.

Ribaud semble de estre sturdy Vagabonds, Roi. Parl. 50 E. 3. 61.

Right, & Right de Entry.

Right, & Right de Entry. Veies en Droit.

Riot.

Riot est, lou trois, (al meins) ou plures font alcun illoyal act, come de bater un home, enter sur le possession de auter, vel hujusmodi.

Robbery.

Robberie est, quant un home prent alcun chose del person d'un auter feloniously; coment que la chose prise soit value fortique d'un denier, uncore il est Felonie pur quel l'Offendor suffera mort.

Rood de Terre.

Rood de Terre est un certain quantitie de Terre contene le quatre part d'un Acre. Anno 5 Eliz. c. 5.

Rout.

Rout est, quant people assemble eux mesme, & puis procedant, ou chivauchant, ou alant avant, ou movent per instigation de un ou plusors, que est Conductor d'eux. Cest appel un Rout, pur ceo que ils movent & proceed en routs & numbers.

Item ou plures assemble eux fut lour quarrels & braules demesne; come si le inhabitants d'un Ville voille assembler eux pur disbruiser Heys, Mures, Fosses, Pales, ou tiels semblables, d'aver Common la, ou de bater un auter que ad fait eux un common displeasure, vel hujusmodi; cest un Rout, & encounter le Ley, coment que ils nont fait ou mis en execution lour male entent. Veies le Statute 1 Mar. c. 12.

Rout.

Rout is, when People assemble themselves together, and after proceed, or ride, or go forth or move by the instigation of one or more, who is their Leader. This is called a Rout, because they move and proceed in Routs and Numbers.

Also where many assemble themselves together upon their own Quarrels and Brawls; as if the Inhabitants of a Town will gather themselves together to break Hedges, Walls, Ditches, Pales, or such like, to have Common there, or to beat another that hath done them a common Displeasure, or such like; that is a Rout, and against the Law, although they have not done or put in Execution their mischievous Intent. See the Stat. 1 Mar. c. 12.

S.

Sac, ou Sake.

Sake est Placitum & Emenda de Transgress' hominum in Curia vestra; quia Sake Anglice est Encheson Gallice, & sake est mis pur sick.

Veies Kelleway Cases incerti temporis, f. 145. a. que le privilege appel Sake est, d'aver les Amerciements de ses Tenants en son Court demesne.

S.

Sac, or Sake.

Sake is a Plea and Correction of Trespas in your Court; because Sake in English is Encheson in French, and sake is put for sick.

See Kelleway in his Cases incerti temporis, f. 145. a. that the Privilege called Sake is, for a Man to have the Amerciements of his Tenants in his own Court.

Saci.

Sacrilege.

Sacrilege is, when one steals any Vessels, Ornaments, or Goods of Holy Church, which is Felony. 3 Cro. 153, 154.

Salary.

Salary is a Word often used in our Books, and it signifies a recompence or Consideration given a Man for his pains bestowed upon another Man's business. And it is so called, as Pliny says in the 31 Book of his Nat. Hist. cap. 7. because it is as necessary for a Man as Salt, and makes his Labour relish as Salt doth his Meat.

Sanctuary.

Sanctuary is a privileged Place by the Prince for the safeguard of Mens Lives who are Offenders, being founded upon the Law of Mercy, and upon the great Reverence, Honour and Devotion which the Prince bears to the Place whereunto he grants such a Privilege; which was heretofore so great, that the Princes have granted the same in cases of Treason committed against themselves, Murder, Rape, or other Crime whatsoever. Hereof see Staundf. Pl. of the Crown, l. 2. c. 38.

Sarpler.

Sarpler is, a quantity of Wool, which in Scotland is called Serplath, and contains 80 Stone; and with us in England a Load of Wool contains (by the Opinion of some) fourscore Tod, and every Tod two Stone, and every Stone fourteen Pounds; and that a Sack of Wool is in common Account equal with a

Sacrilege.

Sacrilege est quant un emblee ascun Vessels, Ornaments ou biens de Saint Esglise que est Felony. 2 Cro. 153, 154.

Salarie.

Salarie (*Salarium*) est un pa-rol mult use en nostre Livres, & signifie un Recompence ou Consideration done al ascun pur son labour imploie sur les besoignes de un auter. Et est issint appel, come Plinie dit en le 31. Nat. Hist. c. 7. *quia tam necessarium est quam Sal homini, & labores suos sapit ut Sal cibos.*

Sanctuary.

Sanctuary est un Lieu privilege per le Sovereigne pur le garder des vies des homes queux sont pechers, eteant foundue sur le Ley de Mercy, & sur le grand reverence, honour & devotion que le Sovereigne port al lieu a que il granta tiel Privilege: que fuit si grand en temps passe, que les Sovereignes ont grant mesme en cases de Treason perpetres encounter eux mesmes, Murder, Rape, ou auter crime quecunque. De ceo veies Staundf. Pl. del Cor. l. 2. c. 38.

Sarpler.

Sarpler est un quantitie de Lane, que en Escose est appel *Serplath*, & containe 80 Stone: & ove nous en Angleterre un Corde de Lane consista (per le opinion de ascuns) de 80 Todde, & chescun Todde containa deux Stone, & chescun Stone 14 Livres; & que un Sack de lane est en usual estimation

marion egal ove un Corde, & Load, aud a Sarpler the one half
un Sarpler le moietie de un of a Sack.
Sack.

Satisfaction.

*S*atisfaction est, quant un Defendant ad pay Debt ou Damages versus luy recover, il covient a luy d'aver satisfaction de estre enter sur le record del Judgment.

Saver default.

*S*aver default est le mesme come de excuser un default. Et ceo est proprement quant un home aiant fait default en Court vient apres & allege bon cause pur que il ceo fist, come imprisonment al mesme temps, ou semblable. Veies *Novel Livre de Entries Tit. Saver default.*

Scandalum magnatum.

*S*candalum magnatum est un Male report invente ou disperse al prejudice ou slander de ascun grand personage ou Officer del Realm. Le punishment pur que est enact per divers Statutes, viz. *Westm. 1. c. 33. 2 R. 2. c. 5. & 12 R. 2. c. 11.*

Scavage.

*S*cavage ou Shewage est un Tolle exact per les Mayors, Viscounts & Bailiffs des Cities & Boroughs corporate, pur Wares ou Merchandises monstres destre vendus deins leur precincts & jurisdiction; quel Exaction, esteant enconter le privilege des subjects le Roy, fuit inhibite per un Statute fait 19 H. 7. c. 8. Veies 21 H. 7. f. 14. a. & veies le Stat. de 22 H. 8. c. 8. in fine.

Satisfaction.

*S*atisfaction is, when a Defendant hath paid a Debt or Damages recovered against him, it behoveth him to have Satisfaction to be entered upon the Record of the Judgment.

Saver default.

*S*aver default is the same as to excuse a Default. And this is properly when a Man having made Default in Court, comes afterwards, and alledges a good Cause why he did it, as Imprisonment at the same time, or the like. See New Book of Entries, Tit. Saver default.

Scandalum magnatum.

*S*candalum magnatum is an evil Report invented or dispersed to the Prejudice or Slander of any great Personage or Officer of the Realm. The Punishment of which is enacted by divers Statutes, viz. *Westm. 1. c. 33. 2 R. 2. c. 5. and 12 R. 2. c. 11.*

Scavage.

*S*cavage or Shewage is a Toll exacted by the Mayors, Sheriffs and Bailiffs of Cities and Towns Corporate, for Wares or Merchandize shewed to be sold within their Precincts or Jurisdiction, which Exaction being against the Privilege of the King's Subjects, was prohibited by a Statute made in 19 H. 7. c. 8. See 21 H. 7. f. 14. a. and see the Statute of 22 H. 8. c. 8. in the end thereof.

The Mayor, &c. of London brought Debt for this Duty, by these Words, *Pro supervisu apertionis* H. 8. 19 C. 2. B. R. roll 625.

Major, &c. de London port dett pur cel duty, hiis verbis *Pro supervisu apertionis* H. 88, 19 C. 2. B. R. Roll. 625.

Scire facias.

Scire facias is a Writ judicial going out of the Record, and lies where one hath recovered Debt or Damages in the King's Court, and sues not to have Execution within the Year and the Day; then after the Year and the Day, he shall have the said Writ to warn the Party; and if the Party come not, or if he come and say nothing to discharge or pay the Execution, then he shall have a Writ of *Fieri facias* directed to the Sheriff, commanding him to levy the Debt or Damages of the Goods of him that hath lost.

The Writ of *Fieri facias* lies within the Year, without any *Scire facias* sued.

Also if the Sum of the same Debt or Damages may not be levied of the Goods of him that hath lost them, he may have a Writ of *Elegit*, commanding the Sheriff to deliver him the one half of his Lands and Goods, except his Dren and Implements of the Plow.

When one hath recovered Debt or Damages in an Action Personal, (where the Proces is a *Capias*) he may have another Writ of Execution, called a *Capias ad satisfaciendum*, to take the Body of him that is so condemned, which shall be committed to Prison, there to abide without Bail or Mainprise, till he hath satisfied the Party.

And when one hath Judgment to recover any Lands or Tenements, he shall have a Writ

Scire facias.

Scire facias est un Brief judicial issuant hors de Record, & gist lou un ad recover Dette ou Damages en Court le Roy, & il ne sue pas de aver Execution deins l'an & le jour; donques apres l'an & jour it avera le dit Brief a garner le partie: & si le partie ne vient, ou sil vient & ne scavoit riens dire encounter Execution, donques il avera un Brief de *Fieri facias* direct al Viscount luy commandant que il levie le Dette ou les Damages des Biens de celuy que avoit perdue.

Le Brief de *Fieri facias* gist deins le an, sans aucun *Scire facias* sue.

Auxy si le summe de mesme le Dette ou Damages ne poit estre levie des Biens de celuy que avoit perdue, donques il poit aver un Brief de *Elegit*, direct al Viscount, que il face luy deliver la moïete de sa Terre & Biens, except ses Boves & affries de sa Carue.

Quant un ad recover Det ou Damages en Action personal, (lou le Proces est un *Capias*) il poit aver un autre Brief d'Execution, appel *Capias ad satisfaciendum*, pur prender le Corps celuy que est issint condempne, que serra commit al prison, ilonques a demurrer sans Baile ou mainprise, tanque il ad satisfie le partie.

Auxy quant un ad Judgment de recover aucun Terres ou Tenements, il avera un Brief appel

appel *Habere facias seisinam*, directed al Viscount, luy commandant deliver a luy Seisin de mesme le Terre issint recover. Veies pluis de ceo en les Titles *Fieri facias & Execution*.

Le Brief supra est done per Statute *Westm. 2. cap. 45*. Mes auxi sont auters manners de *Scire facias*; scil. super *Audita Querela*, *Brevia de Erroribus corrigendis*, tam ad audiendos errores, que quare *Executionem habere non debeat*, & *versus terretnant super Judiciis*, & *hujusmodi*.

Scot.

Scot est, quietum esse de quadam consuetudine, sicut de communi Tallagio facto ad opus Vic' vel Ballivi ejus.

Scotale.

Scotale est un Extortion prohibet per le Charta del Forrest, cap. 7. & est lou ascun Officer del Forrest tenust un Alehouse, al intent que poit aver le custome des Inhabitants deins le Forrest, de vener & expender lour deniers ove luy, & pur ceo il conivera a lour offences commise deins le Forrest.

Second deliverance.

Second deliverance, est un Brief fait per le Filacer a deliver avers distreine puis que le Plaintiff est Nonsuit en un Replevin. *Plow. Com. 274. Dyer 41.*

Se defendendo.

Se defendendo est un Plea pur luy que est charge ove mort de un auter, disant que il fuit compelle a ceo que il faisoit, en son defence mesme. *Staunf. Pl. Cor. lib. 1. cap. 7.*

called *Habere facias seisinam*, directed to the Sherif, commanding him to deliver to him Seisin of the same Land so recovered. See more of that in the Titles *Fieri facias* and *Execution*.

The Writ abovesaid is given by the Statute of *Westm. 2. cap. 45*. But there are also other manner of *Scire facias*; scil. upon *Audita Querela*, Writs of Error as well to hear Errors as wherefoze the Plaintiff ought not to have Execution, against Terr tenants upon Judgments, and the like.

Scot.

Scot is, to be quit of a certain Custom, as of common Tallage made to the use of the Sherif or his Bailiff.

Scotale.

Scotale is an Extortion prohibited by the Statute of Charta de Foresta, cap. 7. and it is where any Officer of the Forrest keeps an Ale-house, to the intent that he may have the Custom of the Inhabitants within the Forrest, to come and spend their Money with him, and for that he shall wink at their Offences committed within the Forrest.

Second Deliverance.

Second Deliverance is a Writ made by the Filacer, to deliver Cattel distrained, after the Plaintiff is Non-suit in Replevin. *Plow. Com. 274. Dyer 41.*

Se defendendo.

Se defendendo is a Plea for him that is charged with the Death of another, saying, that he was driven unto that which he did, in his own Defence, *Staunf. Pl. Cor. lib. 1. cap. 7.*

Seigni-

Seigniory in Gros.

Seigniory in Gros. See Lord in Gros.

Seisin.

Seisin, Seisina, Possessio; and is two fold; Seisin in Deed, and Seisin in Law. Seisin in Deed is, when a Corporeal Possession is taken. Seisin in Law is when something is done which the Law accounteth a Seisin, as Enrolment, &c.

Selion.

Selion comes of the French Selion; that is, the Ground lying between two Furrows, in Latine, Parca, a Ridge; and it is not of any certain quantity, but sometimes moze, and sometimes less. And therefore Crompton in his Jurisdiction of Courts, fol. 221. saith, that a Selion cannot be demanded, because it is uncertain.

Seneschal.

Seneschal (Steward) is a French Word borrowed of the Germans, and signifies one that hath the dispensing of Justice in some particular Cases: as Staundf. Pl. of the Cro. fol. 152. B. the High Steward of England, or of the Affairs of a Family as Crompton's Jurisdiction, fol. 102. Steward of the King's Household, and 25 E. 3. Stat. 5. cap. 21. and others.

He is also a learned Man appointed by the Lord of the Manor to hold Courts Leet or Baron. Co. 1 Inst. 58. 61.

Sequestration.

Sequestration is the setting aside of a thing in Controversie from the Possession of both those that

Seigniorie en Grosse.

Seigniorie en Grosse. Vcies Lord en Grosse.

Seisin.

Seisin, Seisina, possessio; Et est duplex, Seisin en Fait & Seisin en Ley. Seisin en Fait est quant un personal possession est prise. Seisin en Ley est quant ascun chose est fait que le Ley account un Seisin, come Enrolment, &c.

Selion.

Selion (Selio) venust del Francois Sellon, id est, Terra elata inter duos fulcros, en Latine Parca, est nest dascun certain quantitie, mes ascun foits certaine plus, & ascun foits meins. Et pur ceo Crompton en son Jurisdiction des Courts, fol. 221. dit, que un Selion ne poit estre demand, eo que est uncertain.

Seneschal.

Seneschal (Seneschallus) est un parol Francois emprunt del Germanois, & signifie un que avoit le dispensation del Justice, en ascun particular cases; come Staundf. Pl. Cor. fo. 152 B. le grand Seneschal del Angleterre, ou des affaires dun Famillie, come Cromptons Jurisdiction, f. 102. Seneschal de Hostel le Roy, & le Stat. de 25 E. 3. Stat. 5. c. 21. & autres.

Est auxi home erudite appoint per le Seigneur de un Mannor a tener Courts Leet ou Baron, Coke 1. Inst. f. 58, 61.

Sequestration.

Sequestration est le Mitter a part dun chose in controversie del possession de ambideux

deux que contend pur ceo. Est use auxy pur le act dun Ordinary, quand nul voit intronmitter oves biens & chatels dun que est mort, come en 4. & 5. M. Dyer fol. 106. b. & 7 El. Dyer, fol. 232. a. Et ilint est use auxy pur le Collecte des fruits & profits dun Benefice que est void, al use del prochein Incumbent, per le Statute de 28 H. 8. cap. 11.

Service de Chivaler.

TENER per *Service de Chivaler* est a tener per Homage, Fealty, & Escuage; & treit a luy Gard, Marriage, & Reliefe.

Et nota, que *Service de Chivaler* est Service de Terres ou Tenements, pur armes porter en Guerre en defence del Royahme; & doit Garde & Marriage, per reason que nul est able, ne de power, & ne poit aver confians de armes porter, devant que il soit del age de 21 ans. Et al fine que le Seignior ne perdera ceo que de droit il poit aver, & que la power de la Royahme en rien ne soit enfeeble, la Ley voet, per cause de son tender age, que le Seignior luy avera en la Gard tanque al pleine age de luy, cestascavoire, 21 ans.

Mes veies le Stat. 12 Car. 2. cap. 24. per quel tout Tenures sont verse en free & common Soccage.

Sessions.

Sessions est un Seience de Justices en Court sur lour Commissions: come les Sessions de Oyer & Terminer, Staundf. Pl. Cor. fo. 67. Quarter Sessions, autrement appelle General Sessions, ou overt Sessions, 5 El. c. 4. encounter queux sont Pri-

contend for it. It is used also for the Act of an Ordinary, when no Man will meddle with the Goods and Chattels of one deceased, as 4 & 5 M. Dyer fol. 160. b. & 7 Eliz. Dyer 232. a. And so it is used also for the gathering of Fruits and Profits of a Benefice void, for the Use of the next Incumbent, by the Statute of 28 H. 8. cap. 11.

Knights Service.

TO hold by Knights Service is, to hold by Homage, Fealty, and Escuage; and it ozains to it Ward, Marriage and Reliefe.

And note, that Knights Service is Service of Lands or Tenements, to bear Arms in War in Defence of this Realm; and it owes Ward and Marriage, by reason that none is able, nor of Power, nor may have knowledge to bear Arms, before he be of the Age of xxi. Years. And to the end that the Lord shall not lose that which of right he ought to have, and that the Power of the Realm be nothing weakned, the Law wills, because of his tender Age, that the Lord have him and his Lands in his Ward till full age, that is to say, xxi. Years.

But see the Stat. 12 Car. 2. cap. 24. whereby all Tenures are turned into free and common Soccage.

Sessions.

Sessions is a Sitting of Justices in Court upon their Commissions; as the Sessions of Oyer and Terminer, Staundf. Pl. Cor. fol. 67. Quarter Sessions, otherwise called General Sessions, or open Sessions, 5 El. c. 4. opposite whereunto are

Wzibv

Privy or especial Sessions, which are procured upon some especial occasion, for the speedy Expedition of Justice, *Crompt. Justice of P. fol. 110.* What things are enquirable in General Sessions, see *Crompt.* as above, and f. 109. **Petit Sessions**, or Statute Sessions are held by the High Constables of every Hundred, for the placing of Servants. *An. 5 El. cap. 4.* in the end.

vate ou especial Sessions, queux sont procure pur ascun especial occasion, pur le plus subite fessance de Justice, *Crompt. Just. de P. fol. 110.* Queux choses sont enquirable en General Sessions, veies *Crompt.* ut supra, & fol. 109. **Petit Sessions**, ou Statute Sessions, sont tenus per le hault Constable de chescun Hundred, pur le placing de Servants, *An. 5 El. c. 4.* in fine.

Severance.

Severance is the Singling of two or more that are joined in a Writ: As if two are joined in a Writ *De libertate probanda*, and the one afterward is non-suited, in this case Severance is permitted, so that notwithstanding the Non-suit of the one, the other may alone proceed. *F. N. B. fol. 78.* See of this Brook, tit. *Severance & Summons*, fol. 238. For it is harder to know in what cases Severance is permitted, then what it is. There is also Severance in Assise, Old Book of Entries, fol. 81. col. 4. And Severance in Attaint, fol. 95. col. 2. And Severance in Debt, fol. 200. col. 1. And Severance in Quare impedit, *Coke*, lib. 5. fol. 97.

Severance.

Severance est le Mitter hors de un ou plusors que sont joyne en un Brief: Come si deux sont joyne en un Brief *De libertate probanda*, & puis lun soit nonsuit, en cest case *Severance* est permit, issint que nient obstant le Nonsuit de de lun auter poit severalement proceed, *F. N. B. fol. 78.* De ceo veies Brook tit. *Severance & Summons*, fol. 238. Car est plus dure a cognostre en queux cases *Severance* est permit, que quel y est. La est auxy *Severance* en Assise, *Veil Livre d' Entries*, f. 81. col. 4. Et *Severance* en Attaint, f. 95. col. 2. Et *Severance* en Det, fol. 200. col. 1. Et *Severance* en *Quare impedit*, *Coke*, l. 5. f. 97.

Sewers.

Sewers seems to be a Word compounded of two French Words, *Seoir*, to sit and *Eau*, Water, for that the Sewers are Commissioners that sit by virtue of their Commission and Authority grounded upon divers Statutes, to enquire of all Nuissances and Offences committed by the stopping of Rivers, erecting of Mills, not repairing of Banks and Bridges, &c. and

Sewers.

Sewers semble estre un parol compound des deux parols *Francois*, *Seoir*, *sedere*, & *Eau*, *Aqua*, pur ceo que les *Sewers* sont Commissioners que seont, per virtue de leur Commission, & authority foundue sur divers Statutes, d' enquire de tous Nuissances & Offences foirs per lestopper des Rivers, erecter des Molins, non repairer des Molins, non repairer des

des Banks & Bridges, & pur
taxer & rater tous queux poit
concern, pur le amender des
touts defalts que sont al hin-
drance del frank passage del
Eau per ses vieux & ancient
currants. Veies le Stat. 6 H. 6.
cap. 5. & 23 H. 8. cap. 5. pur
le forme de lour Commission.

Shack.

Shack est un peculiar nosme
de Common use en le pays
de Norfolk, & Avers de aler a
Shack, est tant adire come de
aler a libertie, ou de aler a-
large. Et cest Common appelle
Shack, que en le Commence-
ment fuit forsque en nature de
un Feeding, pur cause de vi-
cinage, pur avoiding de Suits,
en ascun lieus deins cest Pays
est per custom alter en nature
dun Common appendant ou
appurtenant, & en ascun lieus
ceo retaine son Original Na-
ture. Coke l. 7. f. 5.

Shewing.

Shewing est, quietum esse
cum Attachiamiento in ali-
qua Curia, & coram quibus-
cunque, in Querelis ostensis,
& non advocatis.

Sicut alias.

Sicut alias est un second Brief
mis lou le primer ne fuit
execute; & est issint appel del
ceux parols en ceo, *sicut alias*
præcepimus.

Simony.

Simony est un Contract illoyal
fait pur aver un home pre-
sent al Rectory ou Vicarage,
quel est prohibite per Stat. 31
Eliz cap 6. Veies Stat. 1 W.
& M. cap 16.

to tax and rate all whom it may
concern, for the amending of all
defaults which tend to the hin-
drance of the free passage of the
Water through its old and an-
cient Courses. See the Sta-
tute of 6 H. 6. cap. 5. & 23 H. 8.
cap. 5. for the Form of their
Commission.

Shack.

Shack is a peculiar Name of a
Common used in the County
of Norfolk; and Cattel go to
Shack, is as much as to say as
to go at Liberty, or to go at
large. And this Common called
Shack, which in the beginning
was but in nature of a Feeding,
because of Vicinage, for avoiding
of Suits, in some Places with-
in this County is by Custom al-
tered into the nature of Common
Appendant or Appurtenant, and
in some Places it retains its
Original Nature. Coke, lib. 7.
fol. 5.

Shewing.

Shewing is, to be quit with
Attachment in any Court, and
before whomsoever, in Plaints
shewed and not allowed.

Sicut alias.

Sicut alias, is a second Writ
sent out where the first was
not executed; and is so called
from those Words in it, *Sicut*
alias præcepimus.

Simony.

Simony is an unlawful Con-
tract made to have a Man
presented to a Rectory or Vi-
carage, which is prohibited by
Stat. 31 Eliz. cap. 6. See Stat.
1 W. & M. cap. 16.

Sine Die.

Sine Die, without Day. When Judgment is given against the Plaintiff, he is in Misericordia pro falso Clamore suo, but when 'tis given for the Defendant, 'tis said, eat inde sine die, i. e. he is dismissed out of Court.

Soc.

SOC is Suit of Men in your Court, according to the Custom of the Realm.

Socage.

To hold in Socage is, to hold of any Lord Lands or Tenements, yielding him a certain Rent by the Year for all manner of Services.

To hold by Socage, is not to hold by Knights Service, nor doth Ward, Marriage, Relief belong to it: but they shall double once their Rent after the Death of their Ancestors, according to that, that they be wont to pay to their Lord.

And they shall not be above measure grieved, as it appears in the Treatise of Wards and Relief.

And note well, that Socage is in three Manners; that is to say, Socage in free Tenure, Socage in ancient Tenure, and Socage in base Tenure.

Socage in free Tenure is, when one holds of another by Fealty and certain Rent for all manner of Services, as is before said.

And of all Lands holden in Socage the next of Kin shall have the Ward, to whom the Heritage may not descend, till the Heir be of the Age of rix Years: that is to say, if the Heritage come by the Part of the Father, they of the Part of the Mother shall have the Ward; and contrariwise.

Sine Die.

Sine Die, sans jour. Quand Judgment est done vers le Plaintiff il est in misericordia pro falso clamore suo, mes quand il est done pur le Defendant il est dit eat inde sine die, i. e. il est dismiss del Court.

Soc.

SOC est Secta de homine in Curia vestra, secundum consuetudinem Regni.

Socage.

Tener en Socage est, a tener de alcun Seignior Terres ou Tenements, rendant a luy un certaine Rent per an pur tous manners des Services.

Tener per Socage nest pas tener per Service de Chivaler, ne la appent Gard, Marriage, ne Relief: mes ils doubleront un foits leur Rent apres le mort leur Ancestor, solonque ceo que soloyent payer a leur Seignior.

Et ils ne serront ouster mesure grieves, come il appiert en le Treatise de Gards & Relief.

Et nota, que Socage est, en trois manners; cestascavoir Socage en frank Tenure, Socage in ancient Tenure, & Socage en base Tenure.

Socage en frank Tenure est quant un tient de un per Fealty & certain Rent pur tous manner de Services, come devant est dit.

Et de tous Terres tenus en Socage le procheine amy avera le Garde, a que le Heritage ne purra my discender, tanque al age le Heire del 14 ans: cestascavoir, si le Heritage veigne per le part le Pere, ceux del part le Mere averont le Gard; & contra.

Si

Si Gardian en Socage fait Waste, il ne serra my impeache de Waste, mes il rendra accompt al Heire quant il viendra al pleine age de 21 ans. Et veies l' Stat. de *Marlebridge ca. 17.* pur cest matter.

Socage en ancient Tenure est ceo lou les gents tenoyent en ancient Demesne, que ne solont aver auter Brief que le Brief de *Droit-close*, que fuit determine *Secundum consuetudinem Manerii*, & l'*Monstraverunt*; pur eux discharger quant leur Seignour eux distreine pur faire auter Services que duissent.

Cest Brief de *Monstraverunt* doit estre port envers leur Seignour; & ceux Tenants teignent tous per un certaine Service, & sont franke Tenants de Ancient Demesne.

Socage en base Tenure est, lou home tient in Ancient Demesne, que ne poit aver le *Monstraverunt*, & pur ceo il est appel le *base Tenure*.

Sockmans.

Sockmans sont les Tenants en Ancient Demesne, queux tient leur Terres per Socage, cest adire per Service del Carue, & pur ceo ils sont appelle *Sockmans*, que est tant adire come Tenants ou homes queux tient per Service del Carue, ou homes del Carue: Car *Sok* signifie un Carue.

Et ceux *Sockmans*, ou Tenants en Ancient Demesne, ont plusors & divers Liberties done & grant a eux per le Ley, cybien ceux Tenants queux tient de un common person, come ceux queux tient del Roy en Ancient Demesne; come noismement destre quite de

If the Guardian in Socage make Waste, he shall not be impeached of Waste, but he shall yield Accompt to the Heir when he shall come to the full Age of 21 Years; for which see the Statute of *Marlebr: cap. 17.*

Socage in ancient Tenure is that where the People held in Ancient Demesne, who were wont to have no other Writ than the Writ of Right-close, which was determined According to the Custom of the Manor, and the *Monstraverunt*, to discharge them when their Lord distrains them to do other Services than they ought.

The Writ of *Monstraverunt* ought to be brought against their Lord; and these Tenants hold all by one certain Service, and are free Tenants of Ancient Demesne.

Socage in base Tenure is, where a Man holds in Ancient Demesne, that may not have the *Monstraverunt*, and for that it is called the *base Tenure*.

Sockmans.

Sockmans are the Tenants in Ancient Demesne, that held their Lands by Socage, that is, by Service with the Plow, and therefore they are called *Sockmans*; which is as much as to say, as Tenants or Men that hold by Service of the Plough, or Plow-men: For *Sok* signifies a Plow.

And these *Sockmans*, or Tenants in Ancient Demesne, have many and divers Liberties given and granted them by the Law, as well those Tenants that hold of a common Person, as those that hold of the King in Ancient Demesne; as namely, to be free from paying Toll in every Mar-

ket.

ket, Fair, Town and City, throughout the whole Realm, as well for their Goods and Chattels that they sell to others, as for those things that they buy for their Provision. And thereupon every of them may sue to have Letters Patents under the King's Seal, directed to his Officers, and to the Mayors, Bailiffs, and other Officers in the Realm, to suffer them to be Toll-free; to be exempt from Leets and Sheriffs Turns; also to be quit of Pontage, Murage, and Passage; as also of Tares and Tallages granted by Parliament, except that the King tax Ancient Demesne, as he may at his Pleasure, for some great Cause; to be free from Payments toward the Expences of the Knights of the Shire that come to the Parliament.

And if the Sheriff will distrain them or any of them, to be contributory for their Lands in Ancient Demesne, then one of them, or all, as the Case requires, may sue a Writ directed to the Sheriff, commanding him that he do not compel them to be contributory to the Expences of the Knights. And the same Writ doth command him also, that if he hath already distrained them, that he redeliver the same Distress.

Also that they ought not to be impanelled, nor put in Juries and Enquests in the Country out of their Manor or Lordship of Ancient Demesne, for the Land that they hold there, (except that they have other Lands at the Common Law, for which they ought to be charged.) And if the Sheriff do return them in Panels, then they may have a Writ directed to him, De

payer Toll en chescun Market, Fair, Ville, Citie, per tout le Royalme, cybien pur leur Biens & Chattels que ils vende as auters, come pur ceux choses que ils achateront pur leur provision. Et sur ceo chescun de eux poit suer de aver Letters Patents defouth le Seal le Roy, directe a ses Officers, & al Maiors, Bailiffs, & auters Officers en le Royalme, de suffer eux destre quit de Tolle: destre exempt del Leets & de Turns de Viscount; item destre quit de Pontage, Murage, & Passage; & auxy de Taxes & Tallages grant per Paliament, sinon que le Roy taxe Ancient Demesne, come il poit a son pleasure, pur grand cause; destre quit de payment a les expences del Chivalers del Shire, queux vient al Parliament.

Et si le Viscount voil distreyner eux, ou ascun de eux, destre contributorie pur leur Terres en Ancient Demesne, donques l'un de eux, ou tous, come le case require, poit suer un Brief directe al Viscount, luy commandant que il ne compelle eux destre contributories al expences de Chivalers. Et mesme le Brief luy command auxy, que si il ad distrain eux pur ceo, que il redeliver mesme le Distresse.

Item que ils ne deveront estre impannel, ne mis en Juries & Enquests en le Pays hors de leur Mannor ou Seigniory de Ancient Demesne, pur les Terre, queux ils teigne la, (smon que ils ont auters Terres al Common Ley, pur quex ils deveront estre charge.) Et si le Viscount retourne eux en Pannels, donques ils poyent aver un Brief direct a luy,

De non ponendis in Affisis & Juratis; Et sil face al contrary, y gist Attachment envers luy,

Et issint est auxy si les Bailiffs des Franchises, queux ont Return des Briefs, voile retourne ascun del Tenants queux teigne en Ancient Demesne en Affises ou Juries.

non ponendis in Affisis & Juratis: And if he do the contrary, there lies an Attachment against him.

And so it is also if the Bailiffs of Franchises, that have Return of writs, will return any of the Tenants which hold in Ancient Demesne in Affises or Juries.

Sodomy.

Sodomy, en le Indictment pur ceo offence est dit, *Rem veneream habuit & peccatum illud Sodomiticum (inter Christianos non nominandum) felonice commisit.*

Sodomy.

Sodomy, in the Indictment for this Offence it is said, *Rem veneream habuit & peccatum illud sodomiticum (inter Christianos non nominandum) felonice commisit.*

Spoliation.

Spoliation est un Suit pur les Fruits dun Eglise, ou pur le Eglise mesme; & est destre sue en le Spiritual Court, & nemy en le Temporal. Et cest Suit gist pur un Encumbent envers un auter, lou ils ambideux claime per un Patron, & lou le droit del Patronage ne vient en question ou debate. Come si un Parson soit cree un Evesque, & ad dispensation de rener son Rectorie, & puis le Patron present auter Encumbent, que est institute & induet; ore Evesque poit aver envers cestuy Encumbent un *Spoliation* en le Spiritual Court, pur ceo que ils ambideux claime per un Patron, & le droit del Patronage ne vient en debate, & pur ceo que le auter Encumbent vient al possession del Benefice per le course del Ley Spiritual, cestascavoir, per Institution & Induction, issint que il ad colour de aver ceo, & destre Parson per le Spiritual Ley; car auterment, sil ne soit institute & induet, &c, *Spoliation* ne gist envers luy,

Spoliation.

Spoliation is a Suit for the Fruits of a Church, or for the Church it self; and it is to be sued in the Spiritual Court, and not in the Temporal. And this Suit lies for one Incumbent against another, where they both claim by one Patron, and where the Right of the Patronage doth not come in Question or Debate. As if a Parson be created a Bishop, and hath Dispensation to keep his Benefice, and afterward the Patron presents another Incumbent, which is instituted and inducted; now the Bishop may have against that Incumbent a *Spoliation* in the Spiritual Court, because they claim both by one Patron, and the Right of the Patronage doth not come in Debate, and because the other Incumbent came to the Possession of the Benefice by the Course of the Spiritual Law, that is to say, by Institution and Induction, so he hath Colour to have it, and to be Parson by the Spiritual Law; for otherwise, if he be not instituted and inducted, &c. *Spolia-*

Spoliation lis not against him, but rather a Writ of Trespass, or an Assise of Novel disseisin, &c.

So it is also where a Parson who hath a Plurality doth accept another Benefice, by reason whereof the Patron presents another Clerk, who is institute and inducted: now the one of them may have Spoliation against the other, and then shall come in Debate whether he has a sufficient Plurality or not. And so it is of Deprivation, &c.

The same Law is, where one saith to the Patron, that his Clerk is dead, whereupon he presents another; there the first Incumbent, who was supposed to be dead, may have a Spoliation against the other. And so it is in divers other like Cases, whereof see Fitz. Natura Br. f. 36. G. &c.

Stablestand.

Stablestand is a Term of the Forest Laws, when one is found Standing in the Forest with his Bow bent ready to shoot at any Deer, or with his Greyhounds in a Lease ready to slip. See Manw. Forest Laws. cap. 18. 133. b.

Stallage.

Stallage signifies Money paid for pitching Stalls in Fairs or Markets, or the Right of doing it.

Standard.

Standard. See Estandard.

Stannary.

Stannary are Courts by ancient Custom held in Cornwall for Suits concerning the Trade of Tin,

mes pluistost un Brief de Trespass, ou un Assise de Novel disseisin, &c.

Issint auxy est lou un Parson que ad Pluralitie accept auter Benefice, per reason de que le Patron present un auter Clerk que est institute & induct; ore le un de eux poit aver Spoliation envers le auter, & donques viendra en debate si il ad un sufficient Pluralitie ou non. Et issint est de Deprivation, &c.

Mesme le ley est, ou un dic a le Patron, que son Clerke est mort, sur que il present un auter; la le primer Encumbent, que fuit surmise destre mort, poit aver un Spoliation envers le auter. Et issint en divers auters senblables cases de quel veies Fitz. Nat. Br. fo. 36. G. &c.

Stablestand.

Stablestand est un terme del Forreist Leys quant un est trove esteant en le Forreist ove son Arc tend prist de escocher al un Dame, ou ovesque ses Levriers en un Lesse prist de glisser. Veies Manw For. Leys, Ca. 18. fo 133. b.

Stallage.

Stallage signifie argent pay pur pitching Stalles in Nundinis & Mercatis, ou le droit de ceo faisant.

Standard.

Standard. Veies Estandard.

Stannary.

Stannary sont Courrs per ancient Custom teigne en Cornwall pur suits concernant le Trade de Tin.

Statute-Merchant.

TEnor per *Statute-Merchant* est, lou home conuist a payer deniers a un auter a certain jour devant le Maior, Bailiff, ou auter Gardein de ascun Ville que ad poyar de faire execution de mesme le Statute, & si le Obligor ne paya le Det a le jour, & rien de ses Biens, Terres ou Tenements ne purront estre troves deins le Gard le Maior ou Gardein avantdit, mes en auters lieux dehors, donques le Recognisee suera le Recognisance & Obligation ove un Certification a la Chancerie desouth le Seal le Roy, & il avera hors de la Chancerie un *Capias* al Viscount del Countrey lou il est, de luy prender, & mitter luy en prison, si il ne soit Clerke, tanque il ad fait gree de la Dette. Et un quarter de le an apres ceo que il serra prise, il avera sa Terre deliver a luy mesme, pur faire gree a le partie de le Dette; & il poit vender sa Terre tanque il est en prison, & son vendition serra bone. Et si il ne face gree deins le quarter dun an, ou sil soit returne que il nestrove, & sil ne soit Clerke, adonques le Recognisee poit aver Brief de le Chancery, appel *Extendi facias*, direct al ascun Viscount, de extender les Terres & Biens, & les Biens a luy deliver, & luy seiser en ses Terres, a tener eux a luy, ses Heires & Assignes, tanque le Dett soit levie ou pay; & pur cel temps il est Tenant per *Statute-Merchant*.

Nota, que en un *Statute-Merchant* le Recognisee avera Execution de tous les Terres

Statute-Merchant.

To hold by *Statute-Merchant* is, where a Man acknowledges to pay Money to another at a certain Day before the Mayor, Bailiff, or other Warden of any Town that hath Power to make Execution of the same Statute, and if the Obligor pay not the Debt at the Day, and nothing of his Goods, Lands or Tenements may be found within the Ward of the Mayor or Warden aforesaid, but in other Places without, then the Recognisee shall sue the Recognisance and Obligation with a Certification to the Chancery under the King's Seal, and he shall have out of the Chancery a *Capias* to the Sheriff of the County where he is, to take him, and to put him in Prison, if he be not a Clerk, till he have made satisfaction for the Debt. And one quarter of a Year after he is taken, he shall have his Land delivered to himself, to make Gree to the Party for the Debt; and he may sell his Land while he is in Prison, and his Sale shall be good. And if he do not make satisfaction within a quarter of a Year, or if it be returned that he is not found, and if he be not a Clerk, then the Recognisee may have a Writ out of the Chancery, called *Extendi facias*, directed to any Sheriff, to extend his Lands and Goods, and to deliver the Goods to him, and to seise him in his Lands, to hold them to him, his Heirs and Assigns, till the Debt be levied or payed; and for that time he is Tenant by *Statute-Merchant*.

More, That in a *Statute-Merchant* the Recognisee shall have Execution of all the Lands which

which the Recognisor had the Day of the Recognizance made, and any time after, by force of the same Statute.

And when any Waste or Destruction is made by the Recognissee, his Executors, or him that hath his Estate, the Recognisor or his Heirs shall have the same Law, as is before said of the Tenant by Elegit.

If Tenant by Statute-Merchant hold over his Term, he that hath a Right may sue against him a *Venire fac' ad computandum*, or else enter immediately, as upon Tenant by Elegit. See the Statute 11 E. 1. and of Aſton Burnel, and 13 E. 1. De Mercatoribus.

Statute-Staple.

Statute-Staple is a Bond or Recognizance acknowledged before the Mayor of the Staple, and by force of such Statute, the Creditor may take out Execution of the Body, Lands and Goods of such Debtor by force of the Statute of 27 Ed. 3. cap. 9.

Star-chamber.

Star-chamber was an High Court held in the Star-Chamber at Westm. before the King, Peers and Judges, abolished per Stat. 17 Car. 2. cap. 10.

Sterbrech.

Sterbrech, alias Strebrech, is the Breaking, Obstructing, or making less of a Way.

Stilyard.

Stilyard is a word used in the Statute of 22 H. 8. cap. 8. where the Hanse-Merchants are called the Merchants of the Stilyard, which is a place in London where these Merchants or

que le Recognisor avoit jour de la Recognizance fait & aucun temps puis, per force de mesme le Statute.

Et quant aucun Waste ou destruction est fait per le Recognisee, ses Executors, ou celui que ad son Estate, le Recognisor ou ses Heirs averont mesme la Ley, come est suisdit de le Tenant per Elegit.

Si le Tenant per le Statute-Merchant tient ouster son terme, cestuy que ad droit poit fuer envers luy un *Venire fac' ad computandum*, ou enter tantost, sicome sur Tenant per Elegit. Veies le Statute 11 E. 1. & de Aſton Burnel, & 13 E. 1. de Mercatoribus.

Statute-staple.

Statute-staple est un Obligation ou Recognizance conus devant le Mayor del Staple. Et per force de tiel Stat. le Creditor poet aver execution del Corps, terres & biens del debtor per force del Stat. 27 Ed. 3. cap. 9.

Star-chamber.

Star-chamber fuit un haut Court teigne in Camera stellata a Westm. devant le Roy, les Peers & Judges, abolith per Stat. 17 Car. 2. cap. 10.

Sterbrech.

Sterbrech, alias Strebrech, i. *Via Fractio, Obstructio, vel diminutio*

Stilyard.

Stilyard est un parol use en le Statute de 22 H. 8. cap. 8. lou les Merchants Teutonicks sont appellees Merchants del Stilyard, que est un lieu en Londres lou ceux Merchants ou le

Fraternity d'eux ad leur abode. Et cest Mease est dit destre ifint appel, pur ceo que edesie sur un Court pres le *Thames*, ou Acier soloit destre usualment vendus.

Sub-pœna.

Sub-pœna est le nosm de un Brief fait en divers Courts de Ley & Equity; viz. in Chancery & tous auters Courts, a summoner tesmoins, & en ceo Court & en le Exchequer en Ley & Equity, & in le Common Pleas sur Informations, *qui tam*, &c. a summoner Defendants, & issint en le Crown Office sur Informations.

Subsidy.

Subsidy est un Tax ou Tribute done per le Parliament al Roy sur urgent occasions del Realm, de estre levy del chescun Subject accordant al son Terres ou Biens.

Suffragan.

Suffragan est un parol use en le Statute de 26 H. 8. cap. 14 & signifie un titular Eveſque, ordeine de ayder & assister l'Eveſque del Dioces en son Spiritual Function. Et est appel *Suffraganeus* en *Latine*, pur ceo que per son *Suffrage* Ecclesiastical causes sont estre adjudges.

Suggestion.

Suggestion est, un Information trahe en Escript, monstrans cause pur aver un Prohibition, quel est relinque en Court, & est mention en le Stat. 2 Ed. 6. cap. 13.

their Brotherhood had their Abode. And the House is said to be so called because built upon a Court-yard near the Thames, where Steel was wont to be much sold.

Sub-pœna.

Sub-pœna is the Name of a Writ made in divers Courts of Law and Equity; viz. in Chancery, and all other Courts, to summon Witnesses, and in that Court, and in the Exchequer in Law and Equity, and in the Common Pleas upon Informations, *qui tam*, &c. to summon Defendants; and so in the Crown Office upon Informations.

Subsidy.

Subsidy is a Tax or Tribute granted by the Parliament to the King upon extraordinary occasions of the Kingdom, to be levied upon every Subject according to his Lands or Goods.

Suffragan.

Suffragan is a Word used in the Statute of 26 H. 8. cap. 14. and signifies a Titular Bishop appointed to aid and assist the Bishop of the Diocese in his Spiritual Function. And he is called *Suffraganeus* in Latin, because by his *Suffrage* Ecclesiastical Causes are to be adjudged.

Suggestion.

Suggestion, is an Information drawn in Writing, shewing Cause to have a Prohibition, which is left in Court, and is mentioned in the Statute 2 E. 6. cap. 13.

Sumage.

SUmage seems to be a Toll for Carriage on Horseback. Crom. Jurisd. f. 191.

Summons ad Warrantizandum, &c.

SUmmons ad Warrantizandum, and Sequatur sub suo periculo: See of them after in the Title Voucher.

Supercargo, or Supracargo.

SUpercargo, or Supracargo, is a Factor or Agent, which goes with a Ship beyond the Seas, by order of the Owner of the Vares therein, and disposes thereof: And the Master of the Ship is obliged to perform the Orders of such Factor or Supercargo.

Superfedeas.

SUpersedeas is a Writ that lies in divers Cases, as appears by F. N. B. f. 236. A. but it is always a Command to stay some ordinary Proceedings in Law, which ought otherwise to proceed.

Supplicavit.

SUpplicavit is a writ issuing out of the Chancery, directed to the Sheriff and some Justices of the Peace in the County, or to one or more Justices without the Sheriff, for taking Surety of such a one as it is prayed against, that he should keep the Peace; and this is by the Statute of 1 E. 3. c. 16. See F. N. B. f. 80. C. and see the Stat. 21 Jac. c. 8.

Sumage.

SUmage semble estre Toll pur Carriage per chival. Cromp. Jurisd. f. 191.

Summons ad Warrantizandum, &c.

SUmmons ad Warrantizandum, & Sequatur sub suo periculo: Veies de ceux apres en le Title Voucher.

Supercargo ou Supracargo.

SUpercargo ou Supracargo, est un Factor ou Agent que ale ove un neif ouster le mere per order del Proprietor des Merchandizes en ceo, & dispose d'eux: Et le Master del neif est oblige a performer les Orders de tiel Factor ou Supercargo.

Superfedeas.

SUpersedeas est un Brief que gist en divers cases, come appiert per F. N. B. f. 236. A. mes est tous foits un Precept pur tarier aucun Processe en Ley, que autrement doit ordinariment proceder.

Supplicavit.

SUpplicavit est un Brief issuant hors del Chancery direct al Viscount & ascuns Justices del Peace en le Countie, ou al un ou pluis Justices del Peace sans le Viscount, pur le prender del Suretie d'un tiel vers que est prie que il gardera le Peace: & ceo est per le Statute 1 E. 3. cap. 16. Veies F. N. B. f. 80. C. & veies ore le Statute de 21 Jac. c. 8.

Sur cui in vita.

Sur cui in vita est un Brief que gist pur le Heir de un Inheritrix, lou le baron alien l'Inheritance sa feme, & le feme morust devant que el ad ceo recover en un Cui in vita. Veies de ceo F. N. B. f. 194. C.

Surplusage.

Surplusage venust del Francois Surplus, i. e. *Additamentum*, & signifie en le Ley, un Addition plus que besoigne, que ascun foits est le cause que un Brief abatera, mes en pleader mults foits est absolument void, & le residue del Plea estoyera bon.

Surrejoynder.

Surrejoynder est un Respons al Rejoynder del Defendant, ou un second enforcement del Declaration le Plaintiff.

Surrender.

Surrender (*Sursumredditio*) est le Consent d'un particular Tenant, que cestuy en le Reversion ou le Remainder viendra maintenant al possession. Et ceo est ou un Surrender en Fait per un actual redoner del Estate; ou en Ley, per acceptance d'un novel Lease, ou tiel autre act. Veies de ceo Perkins, c. 9.

Auxi est un act fait al Seigneur del Mannor ou son feneschal, de Estate Copy-hold, ou fait per special Custome de ascun Mannors, a deux Copy hold Tenants del Mannors, quel surrender doit estre present al procheine Court Baron.

Sur cui in vita.

Sur cui in vita is a Writ that lies for the Heir of an Inheritor, whose Husband aliened the Inheritance of his Wife, and the Wife died before she recovered in a Cui in vita. See for this F. N. B. 194. C.

Surplusage.

Surplusage comes of the French Surplus, that is, an Overplus, and signifies in the Law an Addition of more than needs, which sometimes is the Cause that a Writ shall abate, but in Pleading many times it is absolutely void, and the residue of the Plea shall stand good.

Surrejoinder.

Surrejoinder is an Answer to the Defendant's Rejoinder, or a second enforcing of the Plaintiff's Declaration.

Surrender.

Surrender is the Consent of a particular Tenant, that he in the Reversion or the Remainder shall presently have the Possession. And this is either a Surrender in Deed by an actual yielding up of the Estate; or in Law, by the taking of a new Lease, or such other Act. See of this, Perkins c. 9.

Also it is an Act done to the Lord of a Manor, or his Steward, of a Copy-hold Estate; or done by special Custom of some Manors to two Copy-hold Tenants of the Manors, which Surrender ought to be presented at the next Court Baron.

Surrogate.

Surrogate is he who is appointed in the stead of another, most commonly of a Bishop or his Chancellor.

Surrogate.

Surrogate est celuy que est constitute en le lieu de un auter, plus foits de un Eveque ou son Chancellor.

Swainmote.

SWainmote or Swannimote, is a Court held thrice in a Year within a Forest, by the Statute of Charta de Foresta, c. 8. for all the Free-holders of the Forest, for so much the Etymology of the Word imports; Mote in the Norman Speech signifying a Court, and Swain in the Saxon a Charterer, or Freeholder; so that Swannimote is the Court of the Freeholder. See of this Manwood's Forest Laws, cap. 33. f. 217, &c. at large.

Swainmote.

SWainmote, ou Swannimote, est un Court tenu trois foits en un an deins un Forest, per le Statute de Charta de Foresta, c. 8. pur tous les Franktenants del Forest; car issint le Etymologie del parol monstre, Mote en le language Normannois significant un Court, & Swain en le Saxon un Charterer, ou Franktenant: issint que Swainmote est le Court des Franktenants. Veies de ceo Manw. For. Leys, c. 23. f. 217, &c. alarge.

Swainmote, in this Court Presentments of Offences done to the Forest or Game are made and given in to the Justices in Eyre.

Swainmote, en cest Court, Presentments de Offences al Forest ou Game sont faits & dones eins al Justices en Eyre.

Syb and Som.

SYb & Som, i. e. Peace and Security. L. L. Eccles. Canuti Regis, c. 17.

Syb & Som.

SYb & Som, i. e. Pax & Securitas. L. L. Eccles. Canuti Regis, c. 17.

Sylva cædua.

SYlva cædua, i. e. Wood under the Growth of twenty Years; it is also called Underwood, or Coppice Wood. 2 Inst. 642.

Sylva cædua.

SYlva cædua, i. e. Boys de-sous le growth de vingt ans; que est auxi appel Sub-boys ou Coppice Wood. 2 Inst. 642.

Synodal.

SYNodal is a Tax paid in Money to the Bishop or his Archdeacon, by the inferior Clergy at their Easter Visitation.

Synodal.

SYNodal est un Tribute pay en Argent al Eveque ou a son Archdeacon per le inferior Clergy al lour Visitation al Pasche.

T.

T.

Tail ou Fee-Tail.

TENER en le *Taile* est, lou home tient certain Terres ou Tenements a luy & a ses Heires de son corps engendres.

Si le Terre soit done a un home & a ses Heirs males, & il ad Issue male, il ad Fee-simple; que fuit adjudge en Parliament. Mes lou Terres ou Tenements sont dones a un home & a ses Heires males de son corps engendres, il ad Fee-tail, & le Issue female ne serra inherite; ut patet *Anno* 14 E. 3. en un Assise, 18 E. 3. 45.

Fee-taile est, lou Terre est done a un home & ses Heires de son corps engendres; & il est dit Tenant en le *Taile* general.

Si Terres sont done al baron & feme, & al Heires de lour deux corps engendres, ore le baron & la feme sont Tenants en le *Taile* especial. Et si un d'eux devie, cestuy que survive est Tenant en le *Taile* apres possibilite d'issue extinct; & si il face Waste, il ne serra impeach de ceo. Vide *Littleton*.

Mes si le Roy done Terres a un home & a ses Heirs males, & le Donee devie sans issue male; donques le Cousin collateral del Donee ne enheritra, mes le Roy re-entra: & issint fuit adjudge en l'Exchequer.

Tail or Fee-tail.

TO hold in the Tail is, where a Man holds certain Lands or Tenements to him and to his Heirs of his Body begotten.

If the Land be given to a Man and to his Heirs males, and he hath Issue male, he hath Fee-simple; which was adjudged in Parliament. But where Lands are given to a Man and to his Heirs males of his Body begotten, then he hath Fee-tail, and the Issue Female shall not inherit, as appears in the 14 Year of E. 3. in an Assise 18 E. 3. 45.

Fee-tail is, where the Land is given to a Man and the Heirs of his Body begotten; and he is called Tenant in Tail general.

If Lands are given to the Husband and Wife, and the Heirs of their two Bodies begotten, then the Husband and the Wife are Tenants in Tail especial. And if one of them die, he that survives is Tenant in Tail after Possibility of Issue extinct; and if he make Waste, he shall not be impeached for it. See *Littleton*.

But if the King give Lands to a Man, and to his Heirs males, and the Donee dies without Issue male, then the Cousin collateral of the Donee shall not inherit, but the King shall re-enter: and so it was adjudged

in the Exchequer-Chamber, 18 H. 8. in an Information made against the Heir of Sir T. Lovel, Knight.

chamber 18 H. 8. en un Information fait vers l' Heire de Sir T. Lovel Chivalier.

Tail after Possibility.

To hold in the Tail after Possibility of Issue extinct is, where Land is given to a Man and his Wife, and the Heirs of their two Bodies engendred, and one of them overlives the other without Issue between them begotten; he shall hold the Land for Term of his own Life, as Tenant in the Tail after Possibility of Issue extinct: and notwithstanding that he do Waste, he shall never be impeached of it. And if he alien, he in the Reversion shall not have a Writ of Entry in consimili casu, but he may enter, and his Entry is lawful, by R. Thorpe, Chief Justice, 28 E. 3. 36. & 45 E. 3. 25.

Tales.

TAles is a Supply of Men impanelled upon a Jury of Inquest, and not appearing, or at their Appearance challenged for the Plaintiff or Defendant as not indifferent, and in this Case the Judge upon Petition grants a Supply to be made by the Sheriff, of some Men there present, equal in Reputation to those that are impanelled: and hereupon the very Act of supplying is called a Tales de circumstantibus. This Supply may be of one or more, and of as many as shall either make Default or else be challenged by each Party. Staundf. Plac. Cor. l. 3. c. 5. Howbeit he that hath had one Tales, either upon Default or Challenge, though he may have another, yet he may not have the latter to contain so many as the

Taile apres possibilitie.

TENER en le Taile apres possibilitie de issue extinct est, lou Terre est done a un home & sa feme, & a les Heirs de leur deux corps engendres, & l'un d'eux survive le autre sans issue enter eux engendre; il tiendra le Terre a terme de sa vie demesne, come Tenant en le Tail apres possibilitie de Issue extinct: & non obstant que il fait Waste, il ne serra jammes impeach de ceo. Et si il alien, celuy en le Reversion ne avera Brief de Entre in consimili casu, mes il poit enter, & son Entre est congeable, per R. Thorpe Chief Justice, 28 E. 3. 39. & 45 E. 3. 25.

Tales.

TALES est un Supplie de homes impaneles sur un Jurie ou Enquest, & nient apparont, ou a leur apparence challenge pur le Plaintiff ou Defendant come nient indifferent, & en cest case le Judge sur petition granta un Supplie destre fait per le Vicount, de ascuns homes la present, egal en reputation ove ceux que fueront impanel: & sur ceo le verie act de suppliant est appel Tales de circumstantibus. Cest supplie puit estre d'un ou pluis, & de cy plusors come ou ferront default ou ferront challenge per ascun partie, Staundf. Plac. Cor. l. 3. c. 5. Uncore cestuy que avoit ad un Tales, ou sur default ou challenge, coment il poit aver un autre, uncore il ne poit aver

Ver le darreine de container cy plusors come le primer: car le primer *Tales* doit estre desous le nombre del principal Pannel, sinon en un cause de Appeale; & issint chescun *Tales* meins que auter, jesque le nombre soit repleit de homes present en Court, & tiels que sont sans exception al partie ou parties. Veies *Staundford* en le lieu devant, ou vous poyes trover ascuns exceptions, al cest general Rule: Veies *Brook*, f. 105. & *Coke*, l. 10. f. 99. *Bewfage's Case*.

Talwood.

T*Alwood* est un terme use en les Statutes 34 & 35 H. 8. c. 3. & 7 E. 6. c. 7. & 43 El. c. 14. & signifie tiel Bois que est coup en brief Billets, pur le fizer des queux ceux Statutes fueront ordeines.

Tam-quam.

CEluy qui sequitur tam pro Domino Rege quam pro seipso sur Information pur breach de un penal Ley ou Statute per que ascun penalty est done al party que prosecute.

Tax & Tallage.

T*ax & Tallage* sont payments, come Dismes, Quinzisms, Subside, ou semblables grant al Roy per Parliament.

Les Tenants en Ancient demesne sont quites de ceux Taxes & Tallages grants per Parliament; sinon que le Roy raxe Ancient demesne, come il poit quant a luy pleist pur grand cause. Veies *Ancient demesne*.

former; for the first *Tales* ought to be under the Number of the principal Panel, except in a Cause of Appeal; and so every *Tales* less than other, until the Number be made up of Men present in Court, and such as are without Exception to the Party or Parties. See *Staundford* in the Place before, where you may find some Exceptions to this general Rule. See *Brook*, f. 105. and *Coke*, 10. f. 99. *Bewfage's Case*.

Talwood.

T*Alwood* is a Term used in the Statutes of 34 & 35 H. 8. c. 3. and 7 E. 6. c. 7. and 43 Eliz. cap. 14. and signifies such wood as is cut into short Billets, for the fizing whereof those Statutes were made.

Tam-quam.

He who prosecutes as well for the King as for himself upon an Information for Breach of any penal Law or Statute, whereby any Penalty is given to the Party that sues.

Tax and Tallage.

T*ax and Tallage* are Payments, as Tenthhs, Fifteenthhs, Subsidies, or such like, granted to the King by Parliament.

The Tenants in Ancient Demesne are quit of these Taxes and Tallages granted by Parliament; except the King do tax Ancient Demesne, as he may when he thinks good for some great Cause. See *Ancient Demesne*.

Tenant paravail.

TENANT Paravail. See Paravail.

Tenant Paravail.

TENANT Paravail. Veies Paravail.

Tender.

TENDER, is an Act done to save a Penalty of a Bond, and of Money for Rent or Contract before Distress or Action brought, and where it may be pleaded, and where Refusal is peremptory, See Coke, 1. Inst. 207, 208, 211. and Uncore prist.

Tender.

TENDER est un act fait a savet un penalty d'obligation, & des denyers due pur rent ou contract devant distresse ou Action port, & ou doit estre plead, & ou refusal est peremptory, Vide Coke 1 Inst. 207, 208, 211, & Uncore prist.

Tenure in Capite.

TENURE in Capite is, where any hold of the King as of his Person being King, and of his Crown, as of a Lordship by it self in Gross, and in Chief above all other Lordships: and not where they hold of him as of any Manor, Honor or Castle, except certain Ancient Honors; which appears in the Exchequer. See the Stat. 12 Car. 2. cap. 24.

Tenure in Capite.

TENURE en Capite est, lou aucun tient del Roy come de son Person esteant Roy, & de son Corone, come dun Seigniorie per luy mesme en grosse, & en chiefe desuis tous auters Seigniories: Et nemy lou ils tient de luy come de aucun Mannor, Honor, ou Castle, sinon certaine ancient Honors; ut patet in Scaccario. Veies le Stat. 12 Car. 2. cap. 14.

Term of Years.

TO hold for Term of Years, is but a Chattel in effect; for no Action is maintainable against the Termor for Recovery of the Freehold, no Freehold being in him. A Lease for Term of Years is a Chattel real, and all Goods which are removeable are Chattels personal.

Terme dans.

TENER a terme dans nest forsque Chattel en effect; car nul Action est maintainable envers Termor quant a recorer le Franktenement, nul Franktenement esteant en luy. Lease a Terme d'ans est Chattel real, & tous Biens moveables sont Chattels personal.

Terrar.

TERRAR is a Book or Survey containing the several Lands, with their Bounds and Limits of any particular Person, or of a Town or Manor.

Terrar.

TERRAR est un Livre ou Survey contenant le particulier Terres deins leur metes & limits de un particular Person ou de un Ville ou Manor.

Testa.

Testament.

Testament est issint define ou expound en *Plowden's Commentaries*; *Testamentum est Testatio mentis, & est compound de ceux deux parols, Testatio & Mentis, que issint signifie.* Verray il est, que un Testament est *Testatio mentis*, mes que il est un compound parol, *Aulus Gellius, lib. 6. cap. 12.* denie ceo al un excellent Lawyer, *Servius Sulpitius*, & dit, quo il est un simple parol, come sont ceux, *Calceamentum, Paludamentum, Paviammentum*, & divers tiels semblables. Et mult meins est *Agreementum* un compound parol de *Aggregatio & Mentium*, come est dit en le Title de *Agreement*; car il ny ad nul tiel Latine parol, simple ou compound: mes il poit nient obstant serve bien pur un Ley-Latine parol.

Et pur ceo il poit issint estre melior define; *Testamentum est ultima Voluntas iusta sententia, in eo quod post mortem suam fieri vult, &c.*

De Testaments il y ad deux sorts, scilicet un Testament en *Escript*, & un Testament per Parol, que est appelle un *Nuncupative Testament*; que est, quant un homme esteant malade, & pur pavor que mort, ou fault de memorie, ou de parler, voyt venger cy sodainment sur luy, que il serra prevent, si il demurt le scripture de son Testament, request ses vicines ou amies de porter testmoigne de son darreigne Volunt, & donques declare ceo presentment per parols devani eux, que apres son decease est prove per Testmoignes, & mis en *escript* per le Ordinary, & donques

Testament.

Testament is thus defined in *Plowden's Commentaries*; A Testament is a Witnessing of the Mind, and is compounded of these two Words *Testatio* and *Mentis*, which so signifie. Truth it is that a Testament is a Witness of the Mind, but that it is a compound Word *Aulus Gellius lib. 6. cap. 12.* doth deny to an excellent Lawyer, *Servius Sulpitius*, and saith, it is a simple Word, as are these, *Calceamentum, Paludamentum, Paviammentum*, and divers such like. And much less is *Agreementum*, a compound Word of *Aggregatio* and *Mentium*, as is said before in the Title of *Agreement*; for there is no such Latine Word, simple or compound; but it may nevertheles serve for a Law-Latine Word.

And therefore thus it may better be defined; A Testament is the true Declaration of our last Will, in that we would to be done after our Death, &c.

Of Testaments there are two sorts, namely, a Testament in Writing, and a Testament in Words, which is called a *Nuncupative Testament*; which is, when a Man being sick, and for fear lest Death, want of Memory, or Speech, should come so suddenly upon him, that he should be prevented, if he staid the writing of his Testament, desires his Neighbours and Friends to bear Witness of his last Will, and then declares the same presently by Words before them, which after his Decease is proved by Witnesses, and put in Writing by the Ordinary, and then stands in as good force as if

if it had at the first in the Life of the Testator been put in Writing; except only for Lands, which are not devisable, but by a Testament put in Writing in the Life of the Testator.

By the Stat. of 29 Car. 2. cap. 3. All Devises of Lands or Tenements shall be made in Writing, and signed by the Party devising, or by some other in his Presence, by three or four Witnesses. And such Will shall not be revoked unless by Writing, or by Cancelling of the same by the Testator himself, or by some other in his Presence, by his Consent or Direction: So a Will in Writing of a Personal Estate, shall not be revoked by Words only, except in the Life of the Testator, or be put in Writing and read to him, and he agrees thereto. A Parol Will of above 30 l. shall not be good, unless it be proved by the Oath of three Witnesses.

Thanus.

THANUS is a Word which sometimes signifies a Noble-man, sometimes a Free-man, a Magistrate, an Officer or Minister. Lambard in the Word Thanus. Skene saith, it is a name of Dignity, and appears to be equal with the Son of an Earl. And Thanus was a Free-holder, holding his Lands of the King: And a Man taken with the manner accused of Larceny, no sufficient proof being brought against him, must purge himself by the Oath of 27 Men, or three Thanes. The King's Thanage signifies a certain part of the King's Lands or Property, whereof the Rule and Government appertains un-

il est de cy bone force come si cest ad al primes en le vie del Testator estre mis en escript: except seulement pur Terres, que ne sont devisable forsque per un Testament en escript en la vie del Testator. Per le Stat. 29 Car. 2. cap. 3. Tous Devises de Terres ou Tenements seront fait en escript & sign per le Party devisant ou per aucun autre en son presence per trois ou quater Testmoignes. Et tiel Testament ne serra revoke si non per escript ou cancelling de ceo per le Testator mesme ou per aucun autre en son presence per son consent ou direction. Il nint un Testament en escript de personal Estate ne serra revoke per parols seulement si non en le vie le Testator, ou soit mise en escript & lie a luy, & il agree a ceo. Un parol Volunt que vault plus que 30 l. ne serra bon si ne soit prove per le serement de Trois Testmoignes.

Thanus.

THANUS est un parol que aucun foits implya un Noble homme, aucun foits un Frank-homme, un Magistrate, un Officer, ou Minister. Lambard verbo Thanus. Skene dit, que est un nosme de dignity, & appiert deltre equal ove le firz de un Count. Et Thanus fuit un Frank-tenant tiendront ses Terres del Roy; & un homme prise ove le frang accuse de Larcenie, null bone testmoigne esteant port vers luy, devoit purger luy mesme per le serement de 27 homes, ou de 3 Thanes. Thanagium Regis implya un certain part des Terres le Roy ou proprietie, de que le Rule

Rule & government appertient a luy, que pur ceo est appel *Thanus*; car *Demanis Regis* & *Thanagis* significant un & mesme le chose.

to him, who therefore is called *Thanus*; for the King's *Demains*, and the King's *Thanage* signifies one and the same Thing.

Theftbote.

Theftbote est, quant home prist ascun biens dun Laron, de luy favourer & maintenir; & nemy quant home prist ses biens demesne que fureront emblees de luy, &c.

Le punishment en ancient temps de *Theftbote* fuit de Vie & de member: Mes a ore *Staundf.* dit que il est punish per Ransome & Imprisonment. Sed quære, car jeo pense ceo estre Felonie.

Theftbote.

Theftbote is, when a Man takes any Goods of a Thief, or favour or maintain him; and not when a Man takes his own Goods, that were stoln from him, &c.

The Punishment in ancient Time of *Theftbote* was of Life and Member: But now at this Day *Staundford* saith it is punished by Ransom and Imprisonment. But enquire farther, for I think it is Felony.

Them.

Them, hoc est, Quod habeatis totam generationem Villanorum vestrorum cum eorum Sectis & Catallis, ubicunque in *Anglia* fuerint inventa; excepto quod si aliquis Nativus quiet' per unum annum & diem in aliqua Villa privilegiata manserit, ita quod in eorum Communiam vel Gildam, tanquam unus illorum, receptus fuerit, eo ipso a Villenagio liberatus est.

Them.

Them, that is, That you shall have all the Generation of your Villains, with their Suits and Cattel, wheresoever they shall be found in England; except that if any Bond-man shall remain quiet one Year and a Day in any privileged Town, so that he shall be received into their Commonalty or Guild, as one of them, by that means he is delibered from Villenage.

Tithes.

Tithes. Veies *Dismes*.

Tithes.

Tithes. See *Dismes*.

Title.

Title est, lon loyal cause est veigne a un home de aver chose que auter ad, & il nad ascun Action pur ceo; come Title de Mortmain, ou de enter pur Condition enfreint.

Title.

Title is, where a lawful Cause is come upon a Man to have a Thing which another hath, and he hath no Action for the same; as Title of Mortmain, or to enter for Breach of Condition.

Title of Entry.

Title of Entry is, when one seised of Land in Fee makes a Feoffment thereof upon Condition, and the Condition is broken; after which, the Feoffor hath Title to enter into the Land, and may do so at his pleasure, and by his Entry the Freehold shall be said to be in him presently.

And it is called Title of Entry, because he cannot have a Writ of Right against the Feoffee upon Condition, for his Right was out of him by the Feoffment, which cannot be reduced without Entry, and the Entry must be for the Breach of the Condition.

Tost.

Tost is a Place wherein a House once stood, but is now all fallen or pulled down.

Toll, or Tolne.

Toll, or Tolne, is most properly a Payment used in Cities, Towns, Markets, and Fairs, for Goods and Cattel brought thither to be bought and sold; and is always to be paid by the Buyer, and not by the Seller, except there be some Custom otherwise.

There are divers other Tolls; as Turn-Toll, which is where Toll is paid for Beasts that are driven to be sold, although they be not sold indeed.

Toll travers is, where one claims to have a Half-penny or such like Toll of every Beast driven over his Ground.

Through-Toll is, where a Town prescribes to have certain Toll for every Beast that goes

Title de Entré.

Title de Entré est, quant un seisie de Terre en fee fait Feoffment de ceo sur Condition, & le Condition est enfreint: apres quel, le Feoffor ad Title de entre en le Terre, & issint poit quant a luy pleist, & per son Entrie le Frank-tenement serra dit en luy main-tenant.

Et est appel Title de Entré pur ceo que il ne poit aver Brief de Droit envers son Feoffee sur Condition, car son droit fuit hors de luy per le Feoffment, le quel ne poit estre reduce sans Entre, & le Entre doit estre pur le enfreinder de le Condition.

Tost.

Tost est un lieu en que un Mease fuit un foits esteant, mes est ore tout eschue ou erase.

Tol, ou Tolne.

Tol ou Tolne est pluis proprement un payment use en Cities, Villes, Markets & Fairs, pur biens & catals port la destre achate ou vende: & est tous foits destre pay per le Achatour, & nemy per le Vendor, sinon que soit ascun Custom al contrarie.

Il y ad divers auters Tols; come Turn Tol, que est lou Tol est pay pur Avers queux sont drives destre vendus, coment que ils ne sont vendus.

Tol travers est, lou un clame daver un ob. ou tiel semble Tol, de chescun Beast drive sur son Terre.

Through Tol est, lou un Ville prescribe de aver certain Tol pur chescun Beast que ale through

through lour Ville, ou pur chescun vint ou cent : que ne appiert destre cy unreasonable Prescription ou Custome, come ascuns ont suppose, nient obstant il soit per le Hault chemin del Roy, (sicome ils ceo appel) lou chescun poit loyalment pass, si y ad quid pro quo; Come si la soit un Pont, ou tiel semblable commodity, purvey al costs & charges del Ville, pur le ease de travailleurs que chascun mesme voy, pur que lour Journey est ou abridge ou fait le melieur, pur que donques ne poit Tol estre demand loyalment & ove bone reason de eux? &c.

Mes divers Citizens & Burgeses sont quite de payer Tol per le grant del Roy ou ses ancestors, ou claime ceo per Prescription ou Custome. Item auxy Spiritual persons & Religious homes sueront quite de Tol pur lour biens & merchandizes achate & vendus, &c. Mes ore le Statute del 21 H. 8. c. 13. voit que ils ne merchandisera.

Item Tenants en ancient demesne doivent estre quite per toute le Realme de payer Tol, come appiert devant en le Title Sockman. Et en tous cas ou Tol est demand de eux que doient aler, achate, & vende quite de Tol, la le party ou parties grieve poyent aver un Brief De essendo quietum de Tolonio, direct a luy ou ceux que issint demand Tol contra al grant le Roy ou ses progenitors, ou contra al Custome ou Prescription.

through their Town, or for every score or hundred; which seems not to be so unreasonable a Prescription or Custom as some have thought, though it be through the King's Highway, (as they call it) where every Man may lawfully go, if there be one thing for another: As if there be a Bridge, or such like Commodity, provided at the Costs and Charges of the Town, for the ease of Travellers that drive that Way, whereby their Journey is either shortened or bettered, why then may not Toll be lawfully and with good Reason demanded of them? &c.

But divers Citizens and Townsmen are free from paying Toll, by Grant of the King or his Ancestors, or do claim the same by Prescription or Custom. So also Spiritual Persons and Religious Men were quit of paying Toll for their Goods and Merchandizes bought and sold &c. But now the Statute of 21 H. 8. cap. 3. wills that they shall not merchandize.

Also Tenants in Ancient Demesne ought to be quit throughout the whole Realm of paying Toll. as appears before in the Title Sockmans. And in all Cases where Toll is demanded of them that should go buy and sell Toll-free, there the Party or Parties grieved may have a Writ De essendo quietum de Tolonio, directed to him or them that so demand Toll contrary to the Grant of the King or his Progenitors, or contrary to Custom or Prescription.

Tolt.

TOLT comes from the Latin *tollo*, and is a Writ by which a Cause depending in a Court-Baron may be from thence removed into the County-Court before the Sheriff. See of this Fitz. Nat. Brev. fol. 3. F. and Old Natura Brevium, fol. 2. a.

Tonnage.

TONNAGE is a Custom or Impost paid unto the King for Merchandize carried out or brought in in Tuns, or such like Vessels, according to a certain Rate in every Tun. And of this you may read in the Statutes of 12 E. 4. cap 3. 6 H. 8. c. 14. 1 E. 6. c. 13. and 1 Jac. 33. but especially 12 Car. 2. cap 4.

Totted.

TOTTED is a Term used in the Statute of 42 E. 3. c. 9. and signifies a Note to be made in the Estreat-Roll that goes out of the Exchequer to the Sheriff, of all such Debts as are paid unto the Sheriff, so that they be not again demanded of the Party, nor the King deceived. See the Statute.

Transcript.

TRANSRIPT, this most commonly signifies the Certification of a Record upon a Writ of Error from the King's Bench in Ireland unto the K. B. in England, or from that Court into the Exchequer-Chamber, for the Record it self is not certified, but a Transcript: But out of C. B. and other inferior Courts, the Record is quite taken away by the Writ of Error, and remains in B. R. Co. Ent. 2. 24, 37.

Tolt.

TOLT (*Tolta*) venust del Latin *tollo*, & est un Brief per que un Cause dependant en un Court-baron poit estre illongues remove en le County Court devant le Viscount. Veies de ceo Fitz. Nat. Brev. f. 3. F. & Veil. N. B. f. 2. a.

Tonnage.

TONNAGE est un Custome ou Impost pay al Roy pour merchandize import ou export en Tuns; ou ascun tiels vessels, selonque un certain rate en chescun Tun. Et de ceo poies lier en les Statutes de 12 E. 4. c. 3. 6 H. 8. c. 14. 1 E. 6. c. 13. & 1 Jac. c. 33. mes especialment 12 Car. 2. c. 4.

Totted.

TOTTED est un terme use en le Statute de 42 E. 3. cap. 9. & signifie un Note destre fait en le Rolle des Estreats que issuit hors del Exchequer al Viscount, des tous tiels Debes come sont payes al Viscount issint que ne poyent estre auter foits demand del party, ne le Roy deceive. Veies le Statute.

Transcript.

TRANSRIPT, ceo pluis communement signifie le certification d'un Record sur Brief d'Error hors de B. le Roy en Ireland en B. R. en Angletere, & de cel Court en le Court de Exchequer Chambre, car le Record mesme nest certifie, mes un transcript: Mes hors de C. B. & auters inferior Courts le Record est tout oustrement toll per le Brief d'Error, & remain in B. R. Coke Entr. 2. 24, 37. O o a Tra-

Travers.

TRavers ascun foits implia a Denyer, ascun foits a Subverter ou defaire un chose fait. Pur le primer, *West. p. 2. sect. 54.* parlante d'un Respons a un Bill en le Chancery, dit, Que il est ceo que le Defendant pleade ou dit en barre de avoier le Bill del Plaintiff ou Action, ou per confession & avoydance, ou per deniant & traversant des material points du ycel: Et arere *Sect. 55.* un Replication est le parlance del Plaintiffs ou Reply al Respons del Defendant, que doit de affirmer & pursuer son Bill, & conuistre, & avoyder, denyer, ou traverser le Respons del Defendant; & les formal parols de cest Travers sont, *Sans ceo*, ou en *Latin*, *Absque hoc.* Veies *Kitch. fol. 227.*

L'auter signification est trove en *Staundf. Prerog. cap. 20.* per tout le Chapter, que perlant del *Traversing d'un Office*, dit, Que ceo est riens auter forsque approuver que un Inquisition fait de biens ou terres per le Escheator est defective, & fauxment fait. Ilint *Traversing d'un Indictment* est, a prendre Issue sur le primer matter du ycel, que est riens auter que a faire contradiction, ou denyer le point del Endictment: Come en Presentment vers *A* pur un Hault chemin surround ove eau, pur defaulte de escourance d'un Fosse que il & ceux que Estate il ad en certaine Terres la ont use d'escowrer & clenfer, *A* poit *traverser* ou le matter, cest adire, Que la nest ascun Hault chemin la, ou que le Fosse est sufficient escowre, ou auter-

Travers.

TRavers sometimes signifies to deny, sometimes to overthrow or undo a Thing done. For the first, *West. p. 2. sect. 54.* speaking of an Answer to a Bill in the Chancery, saith, It is that which the Defendant pleads or says in Bar to avoid the Plaintiff's Bill or Action, either by confession and avoyding, or by denying and traversing the material points of it: And again, *Sect. 55.* A Replication is the Plaintiff's Speech or Reply to the Defendant's Answer, which must affirm and pursue his Bill, and confess, and avoid, deny, or traverse the Defendant's Answer; and the formal Words of this Traverse are, Without that, in *Latin*, *Absque hoc.* See *Kitch. fol. 227.*

The other Signification is found in *Staundf. Prerog. cap. 20.* the whole Chapter, who speaking of Traversing an Office, saith, That it is nothing else, but to prove that an Inquisition taken of Goods or Lands by the Escheator is defective, and untrue made. So Traversing an Indictment is, to take Issue upon the chief Matter of it, which is nothing else but to make Contradiction, or deny the Point of the Indictment: As in a Presentment against *A.* for a Highway overflown with Water, for Default of scowzing of a Ditch which he and they whose Estate he hath in certain Land there have used to scowze and cleanse, *A.* may Traverse either the Matter, that is to say, That there is not any Highway there, or that the Ditch is sufficiently scowzed; or otherwise he may traverse the Cause,

Cause, That he hath not the Land, &c. or that he and those whose Estate, &c. have used to cross the Ditch, Lamb. Eiren. lib. 4. pag. 521. of Travers. See the whole Chapter in Kitch. fol. 240. and the Old Book of Entries, the word Travers.

ment il poit traverser le Cause, Que il nad le Terre, &c. ou que il & ceux que Estate, &c. ont use de escowrer le Fosse, Lambard Eirenarch. lib. 4. pag. 521. de Travers Veies tout le Chapter en Kitch. fol. 240. & le Veil Livre de Entries, verbo Travers.

Treason.

TReason is in two manners, that is to say, grand Treason, and petit Treason, as it is ordained by the Statutes. And therefore look the Statutes, and Staundford, lib. 1. cap. 2.

Treason.

TReason est en deux manners, cestascavoir, *hault Treason*, & *petit Treason*, come est ordeine per les Statutes. Et ideo vide Statuta, & Staundford, lib. 1. cap. 4.

Treasure trove.

Treasure trove (i. e. Treasure found) is, when any Money, Gold, Silver, Plate or Bullion is found in any Place, and no Man knows to whom it belongs; then the Property thereof appertains to the King. But if any Mine of Metal be found in any Ground, that always pertains to the Lord of the Soil, except it be a Mine of Gold or Silver, which shall be alway to the King, in whose Ground soever it be found.

Treasure trove.

Treasure trove est, quant ascun Money, Ore, Argent, Plate, ou Bullion est trove en ascun lieu, & nul conust a que le property est; donques le property de ceo appertient al Roy. Mes si ascun Mineral de Metal soit trove en ascun terre, ceo tous foits pertient al Seignior del Soile, forsque que il soit Mineral del Ore ou Argent, queux seront tous foits al Roy, en quecunque terre soit trove.

Trebuchet.

Trebuchet, or Tribuch, is a Tumbrel or Cucking-stool.

Trebuchet.

Trebuchet ou Tribuch est un Tumbrel ou Cucking-stool.

Trespas.

TRespas is a Writ or Action of Trespas, whereof there are two Sorts. The one Vicountiel, so called, because it is directed to the Sheriff, and is not returnable, but to be determined in the County: The form whereof differs from the other, because it hath not these Words, Quare vi & armis, &c. Fitz. N. B. fol. 85. g. The other is directed

Trespas.

Transgression est un Brief ou Action de Trespas, de queux la sont deux sorts. L'un Vicountiel, issint appel, pur ceo que il est direct al Viscount, & nest returnable, mes destre determine en le Countie: Le forme de que differt del autre, pur ceo que nad ceux parols, Quare vi & armis, &c. F. N. B. fol. 85. g. L'auter est direct

al Viseount auxy, mes est returnable en Bank le Roy ou le Common Bank, & avoit tous foits en ceo ceux parols, *Quare vi & armis*, ou auterment il abatera, come appiert en *Fitz. N. B. fol. 86. b.* sinon que soit un Trespasse sur le Case, & adonque les parols, *Vi & armis* sont waive hors, & en lieu d'eux le Brief dira en le fine de ceo, *Contra pacem, &c.* come appiert en *F. N. B. fol. 91. a.* Et uncore en ascuns cases Trespasse sur le Case serra *Vi & armis* auxy, coment que nemy en le point del Action, ou le *causa causata*, uncore en le conveyance al Action, & le *causa causante*, come est bien distinguish en le Count de Salop's Case, in *Coke, l. 9. 50. b.*

Trial.

Trial, sont plusors manners de ceo, come des matters en Fact, que ferront trie per les Jurors; matters en Ley, per les Justices; matters de Record, per Record mesm. Un Seignior de Parliament, sur Indictment de Treason ou Felonie, serra trie per ses Peers, sans ascun Serement, sur lour Honours & Allegiances; mes en Appeale al Suit de ascun subject ils serra trie *per probos & legales homines*. Si Ancient Demesne soit pleade de un Mannor, & denie, ceo serra trie per le Record del Livre de *Doomsday* en l'Eschequer. Un Apostata serra certifie per le Abbot ou auter Religious Governour a que il doit Obedience. General Bastardie, Excommengement, Loyaltie de Matrimonie, Profession, & divers auters matters Ecclesiastical, ferront tries per le Certi-

to the Sheriff also but is returnable in the Kings Bench or Common Pleas, and hath always in it these Words, *Quare vi & armis*, or else it shall abate, as it appears in *Fitz. N. B. fol. 86. b.*; if it be not a Trespas upon the Case, and then the words *Vi & armis* are left out, and in lieu thereof the Writ shall say in the end of it, *Contra pacem, &c.* as appears in *Fitz. Nat. Brev. fol. 92. c.* And yet in some Cases Trespas upon the Case shall be *Vi & armis* also, though not in the Point of the Action, or the *causa causata*, yet in the Conveyance to the Action, or the *causa causante*, as is well distinguisht in the Count de Salop's Case, in *Coke lib. 9. fol. 50. b.*

Trial.

Trial, there are many kinds of it; as of matters in Fact, which shall be tried by the Jurors; matters in Law, by the Justices; matters of Record, by the Record it self. A Lord of Parliament, upon an Indictment of Treason or Felony, shall be tried by his Peers, without any Oath, upon their Honours and Allegiance; but in Appeal at the Suit of any Subject they shall be tried *per probos & legales homines*. If Ancient Demesne be pleaded of a Mannor, and denied, this shall be tried by the Record of the Book of *Doomsday* in the Exchequer. An Apostata shall be certified by the Abbot or other Religious Governour to whom he owes Obedience. General Bastardy, Excommengement, Lawfulness of Marriage, Profession, and divers other matters Ecclesiastical, shall be tried by the Bishop's Certificate,

cate. And a great number of other Trials there are, whereof see Coke lib. 9. the Case of the Abbot of Strata Marcella, fol. 23.

By witnesses De morte viri in Dower, where the Tenant pleads, That the Husband of the Demandant is alive. Raf. En. 228.

Triors.

TRiors are such who are chosen by the Court to examine whether the Challenge made to the Panel, or any of them be true or no. Bro. Tit. Challenge 122, & Old Nat. Brev. 158.

Tronage.

TRonage is a certain Toll taken for Weighing. Westm. 2. cap. 25. & 13 Edw. 1.

Trover.

TROver is an Action which a Man hath against another, that having found any of his Goods, refuses to deliver them upon Demand. See the Old Book of Entries, word Trover.

Tumbrel.

TUMBrel, see in the Title Cuckingstool; and see the Statute of 51 H. 3. cap. 6. for the use of it.

Turbary.

TURbary, (from the old Latine Word Turba, which was used for a Turf) is an Interest of digging Turfs upon a Common: And you shall find an Assise brought of such a Common of Turbary, in 5 Ass. pl. 9. & 7 E. 3. fol. 43. b.

ficat del Evesque. Et un grand number des autres Trials la sont, de queux veies Coke lib. 9. le Case de le Abbot del Strata Marcella, fol. 23.

Per testes De morte viri in Dower, ou le Tenant plead que le Baron del Demandant est vivant. Raf. Entr. 228.

Triours.

TRiours sont ceux qui sont elect per le Court de examiner si le Challenge fait al Panel, ou ascun de eux soit voier ou nemy, Bro. Tit. Challenge 122, & Vet. N. B. 1, 8.

Tronage.

TRonage, est un certaine Toll prise pur Weighing. Westm. 2. c. 25. & 13 Edw. 1.

Trover.

TROver est un Action que home ad vers un autre, que aiant trove ascun de ses biens, refusa a deliver eux sur demande. Veies le Veil Livre de Entries, parol Trover.

Tumbrel.

TUMBrel, veies en le Title Cuckingstool; & veies le Statute de 51 H. 3. c. 6. pur le use de ceo.

Turbary.

TURbary, (Turbaria, del vieux Latin parol Turba, que fuit use pur un Turf) est un interest de foder Turfs sur un Common: Et troveres un Assise port dun tiel Common de Turbary en 5 Assise, pl. 9. & 7 E. 3. fol. 43. b.

Turne del Viscount.

Turne del Viscount est un Court de Record en tous choses que pertain al Turn, & est le Leet le Roy per tout le Countie, & le Viscount est Judge. Et quecunque ad un Leet, ad mesme le authority deins le Precinct sicome le Viscount ad deins le Turne.

Cest Court est destre tenuz deux foits chescun an, un foits apres Pasche, & arere puis *Michaelmas*, & ceo deins un mois apres chescun Feast, *An. 31 E. 3. cap. 15.* De cest Court sont exempt solement Archieuesques, Evesques, Abbots, Priors, Countes, Barons, Religious homes & femmes, & tous ceuz queux ont Hundreds de leur demesne destre tenuz. Cest Court est appartenant & incident al Office del Viscount & ne doit estre seyer de ceo; & le Viscount est de constituer Clerks south luy en cest Court, tiels pur que il voile a son peril responder: Mes il ne poit prescriber de prender ascun chose pur le tener de son Turne, pur ceo que il est un Officer removeable. Veies *Coke l. 4. 33. & l. 6. 12. & Daltons Livre de Viscounts, tit. Sheriffs Turne.*

Sheriffs-Turn.

Sheriff-Turn, is a Court of Record in all things that pertain to the Turn, and it is the King's Leet thzough all the County, and the Sheriff is Judge. And whosoever hath a Leet, hath the same Authority within the Precinct as the Sheriff hath within the Turn.

This Court is to be kept twice in every Year, once after Easter, and again after Michaelmas, and that within one Month after each Feast, *An. 31 Edw. 3. cap. 15.* From this Court are exempted only Archbishops, Bishops, Abbots, Priors, Carls, Barons, all Religious Men and Women, and all such as have Hundreds of their own to be kept. This Court is appertaining and incident to the Office of the Sheriff, and ought not to be severed therefrom; and the Sheriff is to appoint Clerks under him in this Court, such as he will at his Peril answer for: But he cannot prescribe to take any thing for the keeping of his Turn, because he is an Officer removeable. See *Coke, l. 4. 33. & l. 6. 2. and Daltons Book of Sheriffs, tit. Sheriffs Turn.*

V.

Vacation.

VAcation. See Plenartie.

Vagabonds.

VAgabonds, are idle and unprofitable Men, punishable by the Statute 31 Eliz. 4. & 1 Jac. 7. & 25.

Value of Marriage.

VAlore Maritagii is a Writ that lay for the Lord against his Ward, to recover against him the Value of his Marriage at his full Age, for that he was not Married by his Lord within Age. And this Writ lay, although the Lord never tendered unto the Ward any convenient Marriage. See Palmer's Case Coke l. 5. f. 126. b. and the Stat. 12 Car. 2. c. 24.

Venditioni exponas.

VEnditioni exponas, is a Judicial Writ directed to the Sheriff, to sell Goods seized by a Fieri facias.

Venire facias.

VEnire facias, it is a Process directed to the Sheriff, or to the Coroners (if the Sheriff be challenged) to summon a Jury to try an Issue joined between Party and Party, or the King and a Subject; and it is also a Process upon an Audita Querela, or upon an Indictment in the

V.

Vacation.

VAcation. Veies Plenartie.

Vagabonds.

VAgabonds, sont idle & inutile homes, puniable per Stat. 39 E. 4. & 1 Jac 7. & 25.

Value del Marriage.

VAlore Maritagii est un Brief que gisoit pur le Seignior vers son gard, pur recover vers luy le Value de son Marriage a son plein age, pur ceo que ne fuit marrie per son Seignior deins age. Et ceo Brief gisoit coment que le Seignior ne unques tender al Gard aucun convenable Marriage. Veies Palmers Case, Coke l. 5. f. 126. b. & le Stat. 12 Car. 2. c. 24.

Venditioni exponas.

VEnditioni exponas, est un Judicial Brief direct al Viscount a vender biens seize per un Fieri facias.

Venire facias.

VEnire facias est un Proces direct al Viscount, ou as Coroners (si le Viscount est challenge) a summon un Jury a tryer un Issue joine perenter partie & partie, ou le Roy & un Subject; & est auxy un Proces super Audita Querela, ou sur Indictment en Bank le Roy,

Roy, & *Venire facias* ad computandum vers Tenants per Elegit.

King's Bench, or *Venire facias* ad computandum, against Tenant by Elegit.

Venue.

Venue (*Vicinetum*) est un terme use en le Stat. de 35 H. 8. c. 6. & frequentment en nostre Livres, & signifie un lieu prochain a ceo lon ascun chose que venust destre trie est suppose destre fait. Et pur ceo pur le melior discoverie del veritie del matter en fait sur chescun Trial, ascun des Jurors seront del mesme le Hundred, ou ascun foits de mesme le Parish ou *Neighbourhood*, en que le chose est suppose destre fait, queux per entendment poient aver le melieux conufance del chose. *Veies Arundels Case, Coke, l. 6. f. 14. a.*

Venue or Visne.

Venue, or Visne, is a Term used in the Statute of 35 H. 8. c. 6. and often in our Books, and signifies a Place next to that where any Thing that comes to be tried is supposed to be done. And therefore for the better Discovery of the Truth of the matter in Fact upon every Trial, some of the Jury must be of the same Hundred, or sometimes of the same Parish or Neighbourhood, in which the thing is supposed to be done, who by Intendment may have the best Knowledge of the matter. *See Coke, 6 Book, f. 14. a. Arundel's Case.*

Verderor.

Verderor est un Officer en les Forests del Roy, esliu per les Franktenants del Countie lou le Forest est, per Brief direct al Viscount de ceo faire, come appiert per les Livres del Register, & del Nature des Briefs: & sont appellees en Latine *Viridarii*, de le parol *Viridis*, en Anglois *Green*, en Francois *Verd*; car un grand part de lour Office est touchant le Verd, cestascavoir, le Boies & Herbes creissant en le Forest; per quel veies pluis en le Charter & Leys del Forest.

Verderor.

Verderor is an Officer in the King's Forest, chosen by the Freeholders of the County where the Forest is, by a Writ directed to the Sheriff to do it, as appears by the Books of the Register, and of the Nature of Writs: And they are called in Latine, *Viridarii*, of the word *Viridis*, in English *Green*, in French *Verd*; for a great part of their Office is touching the Verd, to wit, the Wood and Grass growing in the Forest; for which see more in the Charter and Laws of the Forest.

Verdict.

Verdict est le response done al Court per le Jury de ascun Cause civil ou criminal commit a lour Trial. Et est ou General, ou Special. General quant ils donant lour

Verdict.

Verdict is the Answer given to the Court by the Jury, of any Cause Civil or Criminal committed to their Tryal: And is either General or Special: General when they give their Verdict

Verdict in General Terms according to the Issue; Special when they find it at large according to the Evidence given, and thereupon pray the Direction of the Court, as to what the Law is in such Case.

Verdict en generals terms accordant al Issue. Special, quant ils trovant ceo al large pursuant al Evidence done, & dont ils prient le direction del Court le quel le Ley est en tiel case.

Verge.

Verge is the Compass about the King's Court, which bounds the Jurisdiction of the Lord Steward, and the Coroner of the King's House, so that he cannot intermeddle in the County forth of the Verge, because his Office extends not thereunto; as the Coroner of the County cannot intermeddle within the Verge, which is exempted out of his Office by the Common Law. And it seems against Reason, that their Offices and Jurisdictions being several, should intermeddle one within the Jurisdiction of the other. And this Verge seems to be twelve Miles. See 13 R. 2. Stat. 1. c. 3. F. N. B. f. 241. Britton f. 86. Fleta, l. 2. c. 2. Coke, l. 4. f. 46. 33 H. 8. c. 12.

Verge in another Signification is used for a Stick or Rod by which one is admitted Tenant, and holding it in his Hand, takes the Oath of Fealty to the Lord of the Manor, and for that Cause is called Tenant by the Verge. See Old N. B. f. 17 & Littl. l. 1. c. 10.

Vert or Verd.

Vert comes of the French Verd, and signifies with us in the Forest Laws every thing that doth grow and bears a green Leaf within the Forest: And it is divided into Over Vert and Neather Vert. Over Vert is the great Woods, and Neather Vert

Verge.

Verge est le Compass environ le Court le Roy que limit le Jurisdiction del Seignior Seneschal & del Coroner del Hostel le Roy, issint que il ne poit intermeddle deins le Countie hors del Verge, pur ceo que son Office ne extende a ceo; come le Coroner del Countie ne intermeddlera deins le Verge, que est exempt hors de son Office per le Common Ley. Et semble encounter reason, que lou Offices & Jurisdictions esteant several, l'un intermeddlera deins le Jurisdiction del autre. Et cel Verge semble destre doze milliaires. Veies 13 R. 2. Stat. 1. c. 3. F. N. B. f. 241. Britton, f. 86. Fleta, l. 2. c. 2. Coke, l. 4. f. 46. 33 H. 8. c. 12.

Verge en un autre signification est use pur un Stick ou Rod per que un est admit Tenant & tiendront ceo en son maine, fait Serement de Fealtie al Seignior del Manor, & pur ceo est appel Tenant per le Verge. Veies Veil N. B. f. 17 & Littl. l. 1. c. 10.

Vert.

Vert venust de Francois Verd, & signifie ovesque nous en les Leys del Forest chescun chose que cresce & port un feuille verde deins le Forest: & est divide en Over Vert & nether Vert. Over Vert est le Hault Bois, & nether Vert est le

South Bois. La est auxy en Forests un Vert appel *special Vert*, & ceo est tous Arbres crescants en les demesne Bois le Roy deins le Forest, & tous Arbres queux crescont icy en les Bois des aut's, fils sont tiels arbres queux portent fruiets pur le fodder des Dames: & ceux sont dits *special Vert*, pur ceo que le destruyre de tiel Vert est plus grandment punie que le destruction de auter Vert est. Veies *Manwoods For. Leys*, c. 6. f. 52. a.

Vetitum namium.

V*etitum namium.* Veies *Withernam*.

Vicar.

LE Priest de ascun Parish, lou les predial Dismes sont impropriate, est appel Vicar, *quasi vice fungens Rectoris*.

Vicountiels.

V*icountiels* sont Fermes issint appelle, pur quel le Viscount paye certain Rent al Roy, & fait le melieur profit de ceux que il poit. Veies le Stat. 33 & 34 H. 8. c. 16.

View.

V*iew* est, quant ascun Action real est port, & le Tenant ne scavoit bien quel Terre il est que le Demandant demand; donques le Tenant priera le *View*, scil. que il poit veier le Terre que il clai-
ma. Mes si le Tenant ad ew le *View* en un Brief, & puis le Brief est abatus per misnommer de la Ville, ou pur Joyn-tenure, & puis le Demandant port un auter Brief vers le Tenant; donques le Te-

is the Under-Woods. There is also in Forests a Vert called *Special Vert*, and that is all Trees that grow in the King's own Woods within the Forest; and all Trees that grow there in other Mens Woods, if they be such Trees as bear fruit to feed the Deer; which are called *Special Vert*, because the destroying of such Vert is more grievously punished than the destruction of other Vert is. See *Manwood's Forest Laws*, c. 6. f. 52. a.

Veritum namium.

V*eritum namium.* See *Withernam*.

Vicar.

THE Priest of every Parish, where the Predial Tithes are impropriated, is called Vicar, *quasi vice fungens Rectoris*.

Vicountiels.

V*icountiels* are Farms so called, for which the Sheriff pays certain Rent to the King, and makes the best profit he can of them. See the Stat. 33 & 34 H. 8. c. 16.

View.

V*iew* is, when an Action real is brought, and the Tenant knows not well what Land it is that the Demandant asks; then the Tenant shall pray the *View*, that is, that he may see the Land which he claims. But if the Tenant hath had a *View* in one Writ, and after the Writ is abated in misnaming the Town, or by Joyn-tenure, and after the Demandant brings another Writ against the Tenant; then the Tenant shall not

not have the View in the second Writ.

nanr navera le View en le second Brief.

View of Flank pledge.

View of Frank pledge (*Visus franci plegii*) is the Power to hold a Turn or Leet, in which Courts every Free-man in ancient time became bound with Sureties at the Age of fourteen Years, for his Truth to the King and his Subjects: and thereupon those Courts were raised the View of the Free Pledges, that is, of such Free-men as were Pledges or Sureties one for another. See Deciners.

Vi Laica removenda.

Vi Laica removenda is a Writ that lies where Debate is between two Parsons or Provisors for a Church, and one of them enters into the Church with great power of Lay-men, and holds the other out with Force and Arms; he that is holden out shall have this Writ directed to the Sheriff, that he remove the Power which is within the Church; and the Sheriff shall be commanded, that, if he find any Men him withstanding, he take with him the Power of his County, if need be, and arrest the Bodies of all those that resist, and put them in Prison, so that he have their Bodies before the King at a certain Day, to answer the Contempt. And this Writ is returnable, and shall not be granted, before the Bishop of the Place where such Church is, hath certified in the Chancery such Resisting and Force.

View de Frank pledge.

View de Frank pledge (*Visus franci plegii*) est le poyar de tener un Tourne ou Leet, en queux Courts chesc' Frank-home en ancient temps deveigne lye ove Sureties al age de 14 ans pur son Fidelitie al Roy & ses subjects. Et sur ceo ceux Courts fueront appels le View de Frank Pledges, cestascavoir, des tiels Frank-homes queux deveignont icy Pledges ou Sureties le un pur l'auter. Veies Deciners.

Vi Laica removenda.

Vi Laica removenda est un Brief que gist lou Debate est perenter deux Parsons ou Provisors d'un Esglise, & l'un enter en l'Esglise ove grand power de Lay-homes, & tient le autre dehors ove force & arms; celui que est tenu dehors avra le dit Brief direct al Viscount, que il remova cest power que est deins l'Esglise: & ferra command al Viscount, que sil trove aucun homes luy resistant, que il prendra ove-que luy la Poyar de son Countie, si besoigne soit, & ferra attache per leur corps tous ceux luy resistants, & les mettera en prison, issint que il eyt leur corps devant le Roy a certaine jour, de responder del Contempt. Et cest Brief est retournable, & ne ferra grant, devant que le Evesque del lieu lou tiel Esglise est eyt certifie en le Chancerie tiel Resistance & Force.

Villein

Villein & Villeinage.

TENER en pure *Villeinage* est, a faire tout ceo que le Seignior luy voit commander.

Le division de *Villeinage* est, *Villeine de sanke, & de tenure.* Et il est *Villein* de que son Seignior prent Redemption de sa file marrier, & soy mesme enfranchise; & le Seignior puit luy ouste de ses Terres ou Tenements a sa Volunt, & auxy de tous ses Biens & Chateux.

Sockman nest pas pure *Villein*, ne *Villein* doit pas Garde, Marriage, ne Relief, ne fait auters Services reals.

Tenure en *Villeinage* ne ferra Frank-home *Villein*, sil ne soit continue ouster le temps de memory; ne *Villein* terre ferra Frank-home *Villein*, ne frank terre ferra *Villein* frank; sinon que le Tenant avoit continue frank ouster le temps de memory.

Mes un *Villein* ferra Frank terre *villein* per Seisin, ou per Claime de son Seignior.

Si *Villein* purchase Terre, & prent feme, & alien, & devy devant le Claime ou Seisin de son Seignior, la feme ferra endowe.

En case le Seignior port *Præcipe quod reddat* envers le Alienee son *Villein*, le quel vouch a garranter le issue de le *Villein* que est *Vilein* al Seignior, il avera le Voucher. Et per protestation le Seignior poit (non obstant que il plede ove son *Villein*) save que son *Villein* ne ferra my enfranchise.

Bastard ne ferra jammes adjudge *Villein*, sinon per conusans en Court de Record.

Villain and Villainage.

TO hold in pure Villainage is, to do all that the Lord will him command.

The Division of Villainage is, Villain of Blood, and of Tenure. And he is a Villain of whom the Lord takes Redemption to marry his Daughter, and to make him free: And it is he whom the Lord may put out of his Lands or Tenements at his will, and also of his Goods and Chattels.

A Sockman is no pure Villain, nor does a Villain owe Ward, Marriage, or Relief, nor does he any other Services real.

Tenure in Villainage shall make no Freeman Villain, if it be not continued time out of mind: nor shall Villain Land make a Free-man Villain, nor Free-land make Villain Free; except the Tenant have continued Free beyond the time of memory.

But a Villain shall make Free-land Villain by Seisin, or by Claim of the Lord.

If a Villain purchase Land, and take a Wife, and alien, and dies before the Claim or Seisin of the Lord, the Wife shall be endowed.

In case the Lord bring a *Præcipe quod reddat*, against the Alienee of his Villain, who vouches to warrant the Issue of the Villain which is Villain to the Lord, he shall have the Voucher. And by Protestation the Lord may (notwithstanding he plead with his Villain) save his Villain from being enfranchised.

A Bastard shall not be judged Villain, but by Knowledge in Court of Record.

If Debt be due by a Lord to a free-man, and he makes two Men his Executors who are Villains to the said Lord, and die, the Villains shall have an Action of Debt against their Lord. And notwithstanding that he plead with them, and if he make Protestation, they shall not be thereby enfranchised; for that they are to recover their Debt to the Use of another Person, that is to say, their Testator, and not to their own Use.

And if the Tenant in Dower have a Villain who purchases certain Land in Fee, and after the Tenant in Dower enters; she shall have the Land to her and her Heirs for ever. And the same Law is of Tenant for Term of Years of a Villain.

The Lord may rob, beat, and chastise his Villain at his Will: save only that he may not Maim him, for then he shall have an Appeal of Maihem against him.

A Villain may have three Actions against his Lord; that is to say, an Appeal of the Death of his Ancestor, an Appeal of Rape done to his Wife, and an Appeal of Maihem.

If two Parceners bring a Writ of Niefy, and one of them be Nonsuit, the Nonsuit of him shall be judged the Nonsuit of both, so that if that Nonsuit be after Appearance, they shall be barred from that Action for ever; for such is the Law in favour of Liberty.

If two have a Villain in common, and one of them makes him a Manumission, he shall not be made free against both.

Si Det soit due per un Seignior a un Frank home, & il face deux homes ses Executors les queux sont Villeins al dit Seignior, & devie, les Villeins averont Action de Det envers leur Seignior. Et nient obstant que il plede ovesque eux, & il face protestation, ils ne ferront pur tant enfranchise; pur ceo que ils sont de recover le Det al use de un autre person, cestascavoir, leur Testatour, & nient a leur use demesne.

Et sy le Tenant en Dower eyt un Villein, le quel purchase certain Terre en fee, & puis le Tenant en Dower enter; el avera le Terre a luy & ses heirs a tous jours. Et mesme Ley est de Tenant a terme de ans de un Villein.

Le Seignior poit rob, nauter, & chastiser son Villein a son volunt: save que il ne poit luy maim, car donques il avera Appel de maihem envers luy.

Un Villein poit aver trois Actions envers son Seignior; cestascavoir un Appeale de mort son ancestor, un Appeale de Rape fait a sa feme, & un Appeale de maime.

Si deux Parceners port Brief de Niefy, & l'un de eux soit Nonsuit, le Nonsuit de luy serra adjudge le Nonsuit de ambideux, issint que si le Nonsuit soit apres Appearance, ils ferront barre de cest Action a tous jours; car le Ley est tiel *in favorem Libertatis*.

Si deux ount un Villein en common, & l'un de eux fait a luy Manumission, il ne serra my enfranchise envers ambideux.

En Brief *de Native habendo*, il covient que le Seignior monstre coment le Defendant aveigne privy de sank a celuy Villein de que il est Seignior, &c. Et si il ne nul de ses ancestors ne soit seisie de nul de son sanke, il ne gainera per son Action, si le Villein nad pas conus en Court de Record luy estre son Villein.

En un Brief de *Niefsty* ne purront estre mis plusors *Niefs* que deux; & hoc introductum fuit prius in odium *Servitutis*. Mes en Brief *de Libertate probanda*, purront estre mis tants *Niefs* come le Plaintiff vouldra.

Si le Villein soit sue en Ancient Demesne del Roy, ou auter Ville privileged, deins lan & jour le Seignior poit luy seiser; & si demurt en la dit Ville ou lieu Franchise per un an & jour, sans le seisine de son Seignior, il nad my power de luy seisie apres, si il ne va de hors de suifdit Franchise.

Afcuns sont Villeins per title de Prescription, cestascaivoire, que tout lour sanke ont estre Villeins regardants a le Manor du Seignior de temps dont memory ne curt.

Et afcuns sont fait Villeins per lour Confession en un Court de Record. Auxy le Seignior poit faire un Manumission a son Villein, & luy enfranchise a tout jours.

Si le Villein port ascun Action vers son Seignior, si ne soit Appeale de maihem, & le Seignior a ceo sans protestation fait respons, per ceo le Villein est franchises.

Auxy si un Villein purchase Terre, & ad Biens, & vend les Terres & Biens devant af-

In a Writ *de Nativo habendos* it behoves that the Lord shew how the Defendant comes to be privy of the Blood of the Willain of whom he is Lord, &c. And if he noz any of his Ancestors were seised of any of his Blood, he shall not gain by his Action, if the Willain have not acknowledged himself in Court of Record to be his Willain.

In a Writ of *Niefsty* may not be put moze *Niefs* than two; and this was first introduced in hatred of Bondage. But in a Writ *de Libertate probanda*, may be put as many *Niefs* as the Plaintiff will.

If the Willain be fled into Ancient Demesne of the King, oz other Town privileged, within a Year and a Day the Lord may seise him; and if he dwell in the same Town, oz other Place franchised by a Year and a Day, without Seisin of the Lord, he hath no Power to seise him after, if he go not out of the foresaid Franchise.

Some are Willains by title of Prescription, that is to say, that all their Blood have been Willains regardants to the Manor of the Lord from time out of mind.

And some are made Willains by their Confession in a Court of Record. Also the Lord may make a Manumission to his Willain, and enfranchise him forever.

If a Willain bring any Action against his Lord, other than an Appeal of Maihem, and the Lord without Protestation make answer to it, by this the Willain is made free.

Also if a Willain purchase Land, and hath Goods, and sell the Goods and Lands before any Entry

Entry of Seisin made by the Lord, and the Sale is good. But the King, Lord of a Villain, in such Case may enter and seise the Land after such Sale made: For no time runs against the King.

Note, That this Title and Tenure are abolished by the Statute of Car. 2. R.

Villanous judgment.

Villanous Judgment is that which is given upon an Indictment of Conspiracy, viz. that the Party found guilty shall lose the benefit of the Law, shall never more be sworn in Juries or Assises, nor admitted to give any Testimony elsewhere; and if he have to do in the King's Courts, he shall come by Attorney, and not in Person: that his Lands, Goods and Chattels shall be seised in the King's hands, and estreated, if he find not the more favour, and his Trees digg'd up, and his Body imprisoned. See 24 E. 3. fol. 34. b. & 27 Aff. pl. 59

Virgata terræ.

Virgata terræ. See Yardland.

Viscount.

Viscount is either the Name of a Degree of State of Honour under an Earl, and above a Baron; or else the Name of a Magistrate and an Officer of great Authority, whom we commonly call (Sheriff) or, to speak more truly, (Shire reve,) and was at the first called (Shire gereve) that is, the Keeper of the Shire, or the Reeve or Ruler of the Shire; for (Gereve) is derived of the Saxon word Gerefa, i. a Ruler.

cun Entre ou Seisin fait per le Seignior, la vender est bone. Mes le Roy, Seignior de Villain, en tiel case poit enter & seiser le Terre apres tiel vendition fait: Quia nullum tempus occurrit Regi.

Note, que cel title & tenure sont abolie per Statute, Car. Secundi R.

Villanous judgement.

Villanous judgment est ceo que est done sur un Indictment del Conspiracy, scilicet, que le party trove culpable perdra son franke Ley, ne serra plus mise en Juries ou Assises, ne aylors en Testmoignance del veritie: & si il ad a faire en Courts le Roy, il face son Attourney, & nemy viene en son person demesne; que ses Terres, Biens & Chattels sont seises en maines le Roy, & estrepes, si ne poit melior grace aver, & ses Arbres erases, & son Corps imprison. Veies 24 E. 3. fol. 34. b. & 27. Aff. pl. 59.

Virgata terræ.

Virgata Terræ. Veies Yardland.

Viscount.

Viscount est ou le nosme de un degree ou state de Honour sous un Countee, & paramount un Baron; ou le nosme de un Magistrate & Officer del grand Authority, que nous communement appellom' (Sheriff) ou, de parler pluis veraiment, (Shire reve) & fuit al primes appel (Shire greeve) cest adire, Custos Comitatus, ou le Reve ou Ruler del Countie; car (Gereve) est derive de Saxon parol (Gerefa) i. un Ruler.

Et de ceo vient (*Portreue* ou *Portgreue*,) un nosme en veil temps done al chief Officer d' un Ville, & signifie le Governor del Ville; pur ceo que (*Port*) veniens de *Latine* parol (*Portus*) signifie un Port ville, & (*Greue*) esteant derive come est avandit signifie un Ruler, issint que *Portgreue*, ou, come nous a ore briefment parle un *Portreue* est le Governor del Ville.

Et issint fuit le chief Officer ou Governor del Citie de *Londres* long temps past (devant que ils ad le nosme del *Maïor* ou *Bailiffs*) appel, come il appiert en divers vieulx minuments; mes principalement en le *Saxon* Charter de *Guilliam* le Conquerour, que issint comence.

William le King greit *William* Biscop, & *Godfrey* ges *Portgrefant*, & dalle tha *Bur-watren* theon *Londres* beon, &c.

Issint ils de *Germany* (de que nous & nostre Language primerment vient) appel un Governor *Burgreeve*, un auter *Margreeve*, & un auter *Landsgreeve*, ove tielx semblables, &c.

Cest tant est dit tant solement pur monstre le droit Etymon & Antiquiry de parol (*Sheriff*,) a quel Officer nostre Common Ley ad tous foits done si grand confidence & authority, come destre un special Preserver del Peace. Et pur ceo tous Obligations que il prist a mesme le purpose, sont come Recognisances en Ley.

Il est un Judge de Record quant il tient les Leets ou Turnes, les queux sont Courts de Record.

Item il ad le Execution & Return des Briefs, & impan-

And hereof comes (*Portreue*, or *Portgreue*) a Name in old time given to the head Officer of a Town, and signifies the Ruler of the Town; for that (*Port*) coming of the *Latine* word (*Portus*) signifies a Port-Town, and (*Greue*) being derived as aforesaid, signifies a Ruler: so that *Portgreue*, or, as we now shorter speak, a *Portreue*, is the Ruler of the Town.

And thus was the Head Officer or Governor of the City of London long since (before they had the name of *Mayor* or *Bailiffs*) called as it doth appear in divers old Monuments, but chiefly in the *Saxon* Charter of *William* the Conqueror, which begins thus;

William the King greeteth *William* the Bishop, and *Godfrey* the *Portreue*, and also the Citizens that in *London* be, &c.

So also they of *Germany* (from whom we and our Language first came) call one Governor *Burgreeve*, another *Margreeve*, and another *Landsgreeve*, with such like, &c.

Thus much is said only to shew the right Etymon and Antiquiry of the word (*Sheriff*,) to which Officer our Common Law hath always given so great Trust and Authority, as to be a special Preserver of the Peace. And therefore all Obligations that he takes to that end, are Recognisances in Law.

He is a Judge of Record when he holds the Leets or Turnes, which are Courts of Record.

Also he hath the Execution and Return of Writs, and impanelling

panelling of Juries, and such like, &c.

nellingdes Juries, & tiels semblables, &c.

Visitation.

Visitation is an act performed by the Bishop in visiting the Churches and their Rectors within his Diocess once in three Years, or by the Archdeacon once a Year.

Visitation.

Visitation est un act performé par le Evêque en visitant Esglises & leur Rectors deins son Diocèse semel en trois ans, ou par le Archdeacon semel en un an.

Vivary.

Vivary is a place on Land or Water where living Creatures are kept. In a legal sense it generally signifies a Park, Warren or Fishery.

Vivary.

Vivary est un lieu sur la terre ou eau les choses vivantes sont reserve. En ley il communement signifie un Park, Warren ou Piscary.

Uncore prist.

Uncore prist is a Plea for the Defendant in Debt upon an Obligation, who being sued because he did not pay the Debt at the Day, pleads, to save the Forfeiture, that he tendered the Money at the day and place, and that no Body was there to receive it; and says over, that he is yet ready to pay it. And where a Man ought to plead over, that he is yet ready, and where not, see in Perkins, sect. 783, & 784. & Coke 9 book, fol. 79. a, b, in Peyto's Case.

Uncore prist.

Uncore prist est un Plea pur le Defendant en Det sur Obligation, que esteant sue pur ceo, que ne paya le Det al jour, plead, pur savor le Forfeiture, que il tender les deniers al jour & lieu, & que nul suit la pur receiver, & dit ouster que il est uncore prist, de payer. Et lou home doit pleader ouster uncore prist, & lou nemy, veies en Perkins, sect. 783. & 784. & Coke lib. 9. fol. 79. a, b. en Peyto's Case.

Volunt.

Volunt is, when the Tenant holds at the Will of the Lessor, or Lord, and that is in two manners.

One is, when I make a Lease to a Man of Lands, to hold at my Will, then I may put him out at my pleasure; but if he sow the Ground, and I put him out, then he shall have his Corn, with Egress and Regress till it be ripe, to cut and carry it out of the Ground.

Volunt.

Volunt est, quant le Tenant tient a le Volunt del Lessor ou Seignior: & ceo est en deux manners.

Un est quant jeo face Lease a un home de Terres, a tener a ma Volunt, dunque jeo puisse luy oust' a mon pleasure: mes si il emblee le Terre, & jeo luy ousta, donques il avera son Embleement, & egress & regresse jesusques ils sont mature, pur eux scier & carier hors del terre.

Tiel Tenant a Volunt nest pas tenu de sustainer & repaier le Meason, sicome Tenant a terme de ans est tenu: Mes si il fait voluntary Waste, le Lessor avera vers luy un Action de Trespasse.

Auxy la est auter Tenant a Volunt del Seignior, per Copy de Court-Roll, solonque le Custom del Manor: & tiel Tenant poit surrender le Terre en les maines le Seignior, per le Custom, al use d'un auter pur vie, en fee, ou fee taile; & donques il prendra le Terre del Seignior, ou son Seneschal, per Copy, & ferra Fine al Seignior. Mes si le Seignior ousta tiel Tenant, il nad remedy mes de fuer per Petition. Et si tiel Tenant voile impleade un auter des Terres, &c. il covient enter un Plaint, en le Court, & countera en le nature del quel Brief il voit, sicome le case gist.

Voucher.

Voucher est, quant un *Præcipe quod reddat* de Terre est port vers un home, & un auter doit garrant le Terre al Tenant; donques le Tenant luy *vouchera* a Garrantie, & sur ceo il avera un Brief appel *Summoneas ad Warrantizandum*. Et si le Viscount retourne que il nad riens per que il poit estre summon, donques isserra Brief, appel *Sequatur sub suo periculo*. Et quant il vient, il pleadera ovesque le Demandant. Et sil ne vient, ou vient, & ne poit barre le Demandant, donques le Demandant recovers la Terre vers le Tenant, & le Tenant recovers tant de Terre en va-

Such Tenant at Will is not bound to sustain and repair the House as Tenant for years is: But if he make wilful waste, the Lessor shall have against him an Action of Trespass.

Also there in another Tenant at Will of the Lord, by Copy of Court-Roll, according to the Custom of the Manor; and such a Tenant may surrender the Land into the hands of the Lord, according to the Custom, to the Use of another for Life, in Fee or in Tail; and then he shall take the Land of the Lord, or his Steward, by Copy, and shall make Fine to the Lord. But if the Lord put out such a Tenant, he hath no remedy but to sue by Petition. And if such a Tenant will implead another of the Lands, &c. he ought to enter a Plaint in the Court, and shall declare in the Nature of what Writ he will, as the Case lies.

Voucher.

Voucher is, when a *Præcipe quod reddat* of Land is brought against a Man, and another ought to warrant the Land to the Tenant; then the Tenant shall vouch him to Warranty, and thereupon he shall have a Writ called *Summoneas ad Warrantizandum*. And if the Sheriff return that he hath nothing by which he may be summoned, then there shall go forth a Writ called *Sequatur sub suo periculo*. And when he comes, he shall plead with the Demandant. And if he come not, or if he come, and cannot bar the Demandant, then the Demandant shall recover the Land against the Tenant, and the Tenant

nant shall recover as much in value against the Vouchee; and thereupon shall have a Writ called Capias ad Valentiam against the Vouchee.

See more of Voucher before, in the Title of Garranty.

Voyer dire.

A Witness is said to be examined upon a Voyer dire, where he is sworn and examined, whether he be not a Party interested in the Cause, as well as the Person for whom he is a Witness, that is to say, the Plaintiff or Defendant.

Uses.

Uses of Land had beginning after the Custom of Feoffment began amongst Men; as where one being seised of Lands in Fee-simple, made a Feoffment to another without any Consideration, but only meaning that the other should be seised to his Use, and that he himself would take the Profits of the Lands, and that the Feoffee should have the Possession and Franktenement thereof to the same use, &c.

Now after this, upon good Considerations, and to avoid divers Mischiefs and Inconveniences, was the Statute of An. 27 H. 8. c. 10. provided, which unites the Use and Possession together, so that he who hath the Use of the Land, hath the Possession thereof, according to the Use he hath therein, by virtue of that Statute.

Usufructuary.

Usufructuary is he who hath the Use or reaps the Profits of any thing,

lue vers le Vouchee; & sur ceo il avera un Brief appel Capias ad valentiam vers le Vouchee.

Vide plus de Voucher devaat, Tit. Garrantie.

Voyer dire.

UN Testmoigne est dit d'estre examine sur un Voyer dire, lou il est jure & examine lequel il ne soit un Partie interesse en la Cause cy bien come le person pur que il est un Testmoigne, c'est a dire, le Plaintiff ou Defendant.

Uses.

Uses de Terre ad son commencement apres que le custome de Propertie commence enter homes, come ou un esteant seise de Terres en Fee-simple, fait un Feoffment al un auter sans aucun Consideration, mes solement meaning que l'auter serroit seisie al son Use, & que il mesme voile prendre le Profits de les Terres, & que le Feoffee doit aver le Possession & Franktenement de ceo al mesme le use, &c.

Ore apres ceo, sur bone Considerations, & pur avoider divers mischiefs & inconveniences, fuit le Statute de An. 27 H. 8. c. 10. purview, quel unite le Use & Possession ensemble, issint que il que ad le Use de Terre, ad le Possession de ceo, accordant al Use que il avoit en ceo, per vertue de cest Statute.

Usufructuary.

Usufructuary est celuy que avoit le use ou prende les profits de aucun chose.

Usurpation.

U*Surpation* est, plus communement use quant ascun present un Rector ou Vicar al Esglise sans bone title. *Stat. Westm. 2. cap. 5. Co. 6. Rep. 51. & 11 Rep. 33.*

Usury.

U*Sury* est un Gaine d' ascun chose ouster le Principal, ou ceo que fuit lent, exact solement en consideration de le Loan, soit il de Corne, Viand, Apparel, Wares, ou tiels semblables, come de Monie.

Et icy mult poit estre dit, & divers Cases mis concernant Usurie, le queux de purpose jeo omit; solement jeo pria, que ceux que accompt eux mesmes religious & bone Christians ne voient deceive eux mesmes per colour de le Statute de *Usury*, pur ceo que le Statute dit, que il ne ferra loyal pur ascun de prender ouster vi. l. en le C. l. pur un an, &c. per que ils collect (mes fauxment) que ils poient prender vi. l. pur le Loan d'un C. l. ove un bone Conscience, pur ceo que le Statute solongue un manner dispense ove ceo, (pur ceo que il ne punishe tielx prendors.) Car Dieu voile aver ses Decrees observe inviolable, que dir, *Lend, expectant nul chose pur ceo, &c.* Per queux parolx est exclude le prisel de vi. l. v. l. ou de un denier ouster le Principal. Mes plus pensant tiels, que cest Statute fuit fait sur tiel semblable cause, que movant *Moses* de donner un Bill de Divorce a les *Israelites*, come nosmement pur avoier un greinder mischief, & que le duritie de lour cœurs.

Usurpation.

U*Surpation*, is most commonly used when any one presents a Rector or Vicar to a Church without a good Title. *Stat. Westm. 2. cap. 5. Co. 6. Rep. 51. & 11. Rep. 33.*

Usury.

U*Sury* is a Gain of any thing above the Principal, or that which was lent, exacted only in Consideration of the Loan, be it as well Corn, Wheat, Apparel, Wares, or such like, as Money.

And here much might be said, and many Cases put concerning Usury, which of purpose I omit: only I wish they who account themselves Religious and good Christians, would not deceive themselves by colour of the Statute of Usury, because the Statute saith, that it shall not be lawfull for any to take above vi. pounds in the C. l. for a Year, &c. whereby they gather (though falsely) that they may therefore take six pounds for the Loan of an hundred pounds with a good Conscience, because the Statute doth after a sort dispense with it (because it doth not punish such taking.) For God will have his Decrees to be kept inviolable, who saith, Lend, looking for nothing thereby, &c. by which words is excluded either the taking of vi. l. v. l. yea or one Penny above the Principal. But rather let such think, that Statute was made upon like Cause that moved Moses to give a Bill of Divorce to the Israelites, as namely to avoid a greater Mischief, and for the Hardness of their Hearts.

And

And the Statute of 21 Jac. cap. 17. hath expzessly ordained, That no word in that Law shall be construed or expounded to allow the Practice of Usury in point of Religion or Conscience.

By the Statute of 13 Eliz. c. 8. the Loan of Money was at 10 l. per Cent. by 21 Jac. cap. 17. at 8 l. per Cent. by 12 Car. 2. c. 17. 6 l. per Cent. and by 12 Annæ Sess. 2. c. 16. it is reduced to 5 l. per Cent.

Utlary.

Utlary is, when an Exigent goes forth against any Man, to appear in any Court to make Answer to any Action or Indictment, and Proclamation made in five Counties; then if the Defendant appear not, the Coroner shall give Judgment that he shall be out of the Protection of the King, and out of the Aid of the Law.

By such an Utlary in Actions Personal, the Party outlawed shall forfeit all his Goods and Chattels to the King.

And by an Utlary in Felony, he shall forfeit as well all his Lands and Tenements that he hath in Fee-simple, or for Term of his Life, as his Goods and Chattels.

Also though a Man be outlawed, yet if any Error or Discontinuance be in the Suit of the Proces, the Party shall have advantage thereof, and for such Cause the Utlary shall be reversed and annulled.

If the Party Defendant be over the Sea at the time of the Utlary pronounced, that is a good cause of Reversal.

If an Exigent be awarded against a Man in one County where he dwells not, yet an Exigent with Proclamation shall go

Et le Statute de 21 Jac. c. 17. ad Ordeine expressement, que nul parol en cest Ley serra construe ou expound pur allower le practice del Usurie en point de Religion ou Conscience.

Per le Statute de 13 Eliz. c. 8. le Loan de Monie fuit 10 l. per Cent. per 21 Jac. c. 17. c. 8. l. per Cent. per 12 Car. 2. c. 17. 6. l. per Cent. & per 12 Anna Sess. 2. c. 16. ceo est reduce al 5 l. per Cent.

Utlary.

Utlary est, quant un Exigent issiust vers ascun home, de appearer en ascun Court de faire Respons al ascun Action ou Indictment, & Proclamation fait en cinque Counties; si le Defendant ne apparee, donques le Coroner donera Judgment que il serra hors de protection de Roy, & hors del aide le Ley.

Per tiel Utlary en Actions personels, le partie utlage forfeitera tous ses Biens & Chateux al Roy.

Et per Utlary en Felonie, il forfeitera auxy bien tous ses Terres & Tenements que il ad en Fee-simple, ou pur terme de sa vie, come ses Biens & Chateux.

Auxy mesque un home soit utlage, uncore si ascun Discontinuance ou Errour soit en la Suit del Proces, le parrie de ceo avera le advantage, & per tiel cause le Utlagarie serra reverse & adnulle.

Si le partie defendant soit ouster la Mer al temps del Utlagarie pronounce, ceo est bone cause de Reversal.

Si un Exigent soit agard vers un home en un Countie lou il ne demurre pas, uncore un Exigent ove Proclamation

iffera al Countie lou il demurre; ou autrement sil soit sur ceo utlage, *Utlagarie* poit estre reverse, come appiert per le Statute fait *An. 6 & 4 H. 8. c. 4.*

Auxy si un soit utlage en Action personal al Suit d' un auter, & puis il purchase son Charter de Pardon de Roy; riel Charter ne ferra jammes allowe, tanque il ad sue un Brief de *Scire facias* de garner le partie Plaintiff; & sil appeare, donques le Defendant respondera a luy, & luy barrera de sa Action, ou autrement ferra Agreement over que luy.

Utlaw.

U*tlaw.* Veies Waive.

Utlepe.

U*tlepe* significat Escapium (hoc est *Evasionem*) Latro- num. *Flita lib. 1. cap. 47.*

Utrum.

U*trum* est un Brief que gift quant le Droit de ascun Esglise est aliene & tenu en Lay-fee, ou translate en possession d'auter Esglise, & Alienor devie; donques son Successor avera le dit Brief per que un Enquest ferra charge de trier *Utrum sit Libera elemosyna Ecclesie, vel Laicum feodum.*

Et nota, que nul que ad Covent ou Common seale poit maintenir cest Brief, mes Brief de *Entre sine assensu Capituli*, d'Alienation fait per son Predecessor.

forth to the County where he dwells; or else if he be thereupon outlawed, the Uclary may be reversed, as it appears by the Statute *An. 6 & 4 H. 8. c. 4.*

And if a Man be outlawed in Action personal at the Suit of another, and after he purchase his Charter of Pardon of the King, such Charter shall never be allowed, till he hath sued a Writ of *Scire facias* to warn the Party Plaintiff; and if he appear, then the Defendant shall answer him, and bar him of his Action, or else make Agreement with him.

Utlaw.

U*tlaw.* See Waive.

Utlepe.

U*tlepe* signifies the Escape of Thieves. *Fleta, lib. 1. cap. 47.*

Utrum.

U*trum* is a Writ that lies when the Right of any Church is aliened and holden in Lay-fee, or translated into the possession of any other Church, and the Alienor dies; then his Successor shall have the said Writ, whereof an Enquest shall be charged to try whether it be the free Alms of the Church or Lay-fee.

And note well, that none that have Covent or Common Seal may maintain this Writ, but a Writ of *Entre sine assensu Capituli*, for the Alienation made by his Predecessor.

W.

Wage.

WAge is the giving Security for the performing of any thing:

As to wage Law, and to wage Deliverance, which see before in Gage. None wages Law against the King, Brook, tit. Chose en Action, num. 6. See Law.

Waif.

WAif is, when a Thief hath feloniously stolen Goods, and being nearly followed with Hue and Cry, or else overcharged with the Burthen or Trouble of the Goods, for his Ease sake and more Speedy Travelling, without Hue and Cry, flies away, and leaves the Goods or any part of them behind him, &c. then the King's Officer, or the Reeve or Bailiff to the Lord of the Manor, (within whose Jurisdiction or Circuit they were left) who by Prescription or Grant from the King hath the Franchise of Waif, may seize the Goods so waived to their Lords Use, who may keep them as his own proper Goods, except the Owner come with fresh Suit after the Felon, and sue an Appeal, or give in Evidence against him at his Arraignment upon the Indictment, and he be attainted thereof, &c. In which Cases the first Owner shall have Restitution of his Goods so stolen and waived.

W.

Wage.

WAge est le Donant securitie pur le performance de aucun chose: come a gager Ley, & a gager Deliverance, queux veies devant en Gage. Nul gagera Ley encouter le Roy, Brook tit. Chose en Action, num. 6. Veies Ley.

Waife.

Waife est, quant un Laron ad feloniously emblee Biens, & esteant neerment pursue ove Hue & Crie, ou autrement surcharge ove le burden ou trouble des Biens, pur son ease & plus speedie travaille, sans Hue & Crie, fua, & waiva les Biens ou aucun part d'eux arere luy, &c. donques l'Officer del Roy, ou le Reeve ou Bailiff al Seignior del Mannor, (deins que Jurisdiction ou Circuit ils fueront waife) que per Prescription ou Grant de Roy ad le Franchise de Waife, poyent seiser les Biens issint Waife al use de leur Seigniors, que poyent retaine eux come ses proper Biens, sinon que le Owner vient ovesque fresh Suit apres le Felon, & sue un Appeal, ou done en Evidence envers luy al son Arraignment sur l'Indictment, & il est attaint de ceo, &c. En queux cases le primer Owner avera Restitution de ses Biens issint emblee & waife. Mes

Mes nient obft' coment ad este dit, *Waife* est properment de Biens emblees, uncore *Waife* poit estre auxy de Biens nient emblees: Come si un home soit pursue ovesque Hue & Cry come un Felon, & il sue & relinquish ses Biens demesne, &c. ceux serra prise come Biens *Waife*, & forfeit come fils ad este emblees.

Mes veies *Foxley's Case*, *Coke*, l. 4. f. 109. b. que ceux ne sont bona *waviana*, sed bona *Fugitivorum*, queux ne sont forfeits tanque soit trove devant le Coroner, ou autrement de record, que il sua pur le Felonie.

Waive.

W*Aive* est un Feme que est Utlage, & el est appelle *Waive*, quasi relicta a Lege, & nemy *Utlage*, come home est: car femes ne sont jures en Leets al Roy, ne al Ley; come homes sont, que pur ceo sont deins le Ley; lou Femmes ne sont; & pur cest cause ils ne poyent estre dit *Utlage*, entant que ils ne unques fueront deins ceo. Veies *Fitz. N. B.* fol. 161. A.

Mes un home est dit *Utlage*, pur ceo que il fuit un foits jure a le Ley: Et a ore pur contempt il est mis hors del Ley, & dictus *utlagatus*, quasi extra Legem positus.

Wapentake.

W*Apentake* est tout un ove ceo que nous appellomus *Hundred*, come appiert per *Bract.* l. 3. tract. 2. c. 1. num. 1. in fine. *Lambard*, en son Explication de *Saxon* parols, verbo *Centuria*, dit, Que cest parol

And though, as hath been said, *Waif* is properly of Goods stolen, yet it may be also of Goods not stolen: As if a Man be pursued with Hue and Cry as a Felon, and he flies and leaves his own Goods, &c. these shall be taken as Goods waived, and forfeit as if they had been stolen.

But see *Foxley's Case*, *Coke* l. 4. l. 109. b. that these are not Goods waived, but Goods of Fugitives, which are not forfeited till it be found before the Coroner, or otherwise of Record, that he fled for the Felony.

Waive.

W*Aive* is a Woman that is Outlawed; and she is called *Waive*, as left out or forsaken of the Law, and not an Outlaw, as a Man is: For Women are not sworn in Leets to the King, nor to the Law, as Men are, who therefore are within the Law; whereas Women are not, and for that Cause they cannot be said Outlawed, insomuch as they never were within it. See *Fitz. N. B.* fol. 161. A.

But a Man is called *Utlaw*, because he was once sworn to the Law: And now for Contempt he is put out of the Law, and is called *Utlaw*, as one should say, without Benefit of the Law.

Wapentake.

W*Apentake* is all one with that which we call an Hundred, as appears by *Bract.* lib. 3. tract. 2. cap. 1. num. 1. in the end. *Lambard*, in his Explication of *Saxon* words, word *Centuria*, saith, That this Word *Wapentake*

take is moze especially used at this Day in the Countreys beyond the River Trent: And in the Latins of King Edward (by him set forth) num. 33. it is most plain in these wordes, And what the English term Hundred, the foresaid Counties call Wapentake.

The Statutes An. 3 H. 5. cap. 2. and An. 9 H. 6. cap. 10. and An. 15 H. 6. cap. 7. make mention of Staincliffe Wapentake, and Friendless Wapentake in Craven in the County of York. See Roger Hoveden, part. poster. Annual. fol. 346.

Warden.

Warden is of the same Signification with the French Gardein, and therefore of this see moze in the Title Gardein: But it is the most usual Word in English, for him that hath the Custody and Charge of any Person or Thing by Office; as Wardens of the Fellowships in London, Anno 14 H. 8. cap. 2. Warden Courts, An. 31 H. 6. c. 3. Warden of the Marches, An. 4 H. 7. cap. 8. Ferry Warden, An. 18 Eliz. c. 10. & An. 27. Eliz. c. 16. Wardens of the Peace, An. 2 Edw. 3. c. 3. Wardens of the West Marches, Cambden Brit. p. 606. Warden of the Forest, Manwood, part 1. p. 111, 112. Warden of the Aulnage, An. 18 H. 6. c. 16. Warden of the King's Armour in the Tower, An. 1 E. 4. c. 1. Chief Warden of the Forest, Manwood part 1. pag. 42, 43. Warden of the King's Wardrobe, Anno 5 Hen. 3 Stat. 5. Wardens of the Tables of the King's Exchange, Anno 9 Ed. 3. Stat. 2. c. 7. and Anno 9. Hen. 5. Stat. 2. cap. 4. Warden of the Rolls of

Wapentake est plus especialment use a cest jour en les Pays ouster le fluve de Trent: Et en les Leyes del Roy Edw. (per luy publie) num. 33. il est fort plaine en ceux parols, Et quod Angli vocant Hundredum, suprad' Comitatus vocant Wapentakium.

Les Statutes An. 3 H. 5. c. 2. & An. 9 H. 6. c. 10. & Anno 15 H. 6. c. 7. font mention de Staincliffe Wapentake, & Friendless Wapentake en Craven en le County de Everwicke. Veies Roger Hoveden, part. poster. Annual. fol. 346.

Warden.

Warden est de mesme signification come est le parol Francois Gardeine, & pur ceo veies pluis en le Title Gardein: Mes il est le pluis usual parol in Anglois, pur luy que ad le Custodie ou charge de ascun person ou chose per Office; come Wardens de Fraternities en Londres, Anno 14 H. 8. c. 2. Warden Courts, Anno 31 H. 6. c. 3. Warden del Marches, Anno 4 H. 7. cap. 8. Ferry Warden, Anno 18 Eliz. c. 10. & Anno 27 Eliz. cap. 26. Wardens del Peace, Anno 2 Ed. 3 cap. 3. Wardens del West Marches. Cambden. Brit. pag. 606. Warden del Forest, Manwood part 1. p. 111, 112. Warden del Aulnage, Anno 18 H. 6. cap. 16. Warden del Armour le Roy en le Tower, Anno 1 E. 4. c. 1. Chiefe Warden del Forest, Manwood part 1. pag. 42, 43. Warden del Wardrobe le Roy, Anno 5 H. 3 Stat. 5. Wardens des Tables del Exchange le Roy, Anno 9 Ed. 3. Stat. 2. c. 7. & Anno 9 H. 5. Stat. 2. c. 4. Wardens des Rolles del Chancery,

cery, *Anno 1 E. 4. cap. 1, & 5.*
 Wardens & Communalitie des
 Terres contributory ad *Roche-*
ster Bridge, Anno 18 Eliz. c. 17.
 Et Wardens des Courts de
 Stannaries, 4 *Instit. 230.*

the Chancery, *Anno 1 Edw. 4.*
cap. 1. & 5. Wardens and Com-
 munalty of Lands contributory
 to *Rocheſter Bridge, Anno 18.*
Eliz. cap. 27. and Wardens of
 of the Stannary Courts, 4 *Inſt.*
230.

Wardmote.

Wardmote est un terme men-
 tion en le Statute de 32
H. 8. c. 17. & signifie un Court
 que est tenu en chescun Ward
 en Londres, & est usualment
 appel Wardmote-Court, ou le
 Wardmote Inquest.

Wardmote.

Wardmote is a Term menti-
 oned in the Stat. of 32 *H. 8.*
c. 17. and signifies a Court that
 is kept in every Ward in Lon-
 don, and is usually called the
 Wardmote Court, or the Ward-
 mote-Inquest.

Warrantie.

Warrantie. Veies Garrantie.

Warranty.

Warranty. See Garranty.

Warrantia chartæ.

Warrantia chartæ est un Brief
 que gist pur cestuy que
 est infeoffe ove Garranty, &
 est apres implead en un Assise
 ou autre Action en que ne poit
 vouch; donques il avera cest
 Brief vers le Feoffor ou son
 Heir, pur compel eux de gar-
 rantier le Terre a luy. Et veies
 de ceo *Fitz. N. B. fol. 134. D.*
 Veies Garranty des Charters.

Warrantia chartæ.

Warrantia chartæ is a Writ
 that lies for him that is in-
 feoffed with Warranty, and is
 afterward impleaded in an Assise
 or other Action in which he can-
 not vouch; then he may have
 this Writ against the Feoffor or
 his Heir, to compel them to
 warrant the Land unto him.
 And see of this *Fitz. N. B. f. 134.*
D. See Garranty of Charters.

Warrantia diei.

Warrantia diei est un Brief
 que gist en case lou home
 ad joar en ascun Action sue
 vers luy de appeare en proper
 person, & le Roy a cest jour ou
 devant luy maund en ascun
 service, issint que ne poit ap-
 peare al jour en Court; don-
 ques il poit aver cest Brief di-
 rect as Justices, que ils ne re-
 cord luy destre en Default pur
 son non appearance. Et veies
 de ceo *Fitz. N. B. fol. 17. a.* &
 pur le forme del Brief veies
Glanville lib. 1. cap. 8.

Warrantia Diei.

Warrantia Diei is a Writ that
 lies in Case where a Man
 hath a Day in any Action sued
 against him to appear in proper
 Person, and the King at that
 Day or before employs him in
 some Service, so that he cannot
 appear at the Day in Court;
 then he may have this Writ di-
 rected to the Justices, that they
 shall not Record him to be in
 Default for his not appearing.
 And see of this *Fitz. N. B. fol.*
17. A. and for the form of the
 Writ, see *Glanville, lib. 1. cap. 8.*
 Warren.

Warren.

Warren is a Place privileged by Prescription or Grant of the King, for the Preservation of Hares, Conies, Partridges and Pheasants, or any of them.

Warwit.

WArwit (or Wardwit, as some Copies have it) is to be quit of giving Money for keeping of Wards.

Waste.

Waste is, where a Tenant for term of years, Tenant for life, or Tenant for term of another's Life, Tenant in Dower, or Tenant by the Courtesie, or Guardian in Chivalry, doth make Waste or Destruction upon the Land, that is to say, pulls down the House, or cuts down Timber, or suffers the House willingly to fall, or digs the Ground; then he in the Reversion shall have a Writ for that Waste, and shall recover the Place where the Waste is done, and treble Damages.

And if a Man cut down Timber without Licence, and therewith repairs old Houses, yet that is no Waste. But if he with the Timber build a new House, the cutting down of such Timber is Waste. Also the cutting down of Underwood or Willows, which is no Timber, shall not be said to be Waste, unless they grow in the Sight or Shadow of the House.

Waste, by the Civil Law, is call'd Dilapidation, and for that the Executor of a Rector or Vicar are answerable in the Court Christian.

Warren.

Warren est un lieu privilegié par Prescription, ou Grant del Roy, pur le preservation del Leverers, Cunices, Perdices, & Phefants, ou ascun de eux.

Warwit.

WArwit, (ou Wardwit come ascun Copies ad ceo) est quietum esse de denariis dandis pro Wardis faciendis.

Wast.

Wast est, lou Tenant a terme dans, Tenant de vie, ou Tenant pur terme de auter vie, Tenant en Dower, ou Tenant per le Curtesie, ou Gardein en Chivalry, fait Wast ou destruction sur la Terre, cestascavoir, sil destrusa le Meason, ou coupe Merisme, ou suffer le Meason voluntariment pur eschier, ou foder la Terre; donques cestuy en le Reversion avera un Brief pur cest Wast, & recovers le lieu ou le Wast fuit fait, & treble Damages.

Et si home coupe Merisme sans Licence, & ovesque ceo repair les ancient Measons, uncore ceo c'est pas Wast. Mes si il ovesque le Merisme edifica un novel meason, le couper de tiel merisme est Wast. Auxy le couper de Subboys ou Willows, que nest pas Merisme, ne serra dit Wast, sinon que cresfont en le view ou seite del Meason.

Wast per le Ley Civile est appel Dilapidation: & pur ceo le Executor d'un Rector ou Vicar sont responsable en Court Christian.

Est auxi un Brief de Wast
permittendo Messuagium vel do-
mum, &c. fore in decasu & rui-
nosum. Co. Ent. 601.

There is also a Writ of Wasse,
permittendo Messuagium vel Do-
mum fore in decasu & ruinosum.
Co. Ent. 601.

Wharf.

WHarf est un parol use en
 le Statute de 1 Eliz. c. 11.
 & auters Statutes, & est un
 Ample lieu procheine al Creek
 ou Hithe del eau, sur que Biens
 & Wares sont jects queux sont
 destre eskipts & transports del
 un lieu al auter.

Wharf.

WHarf is a Word used in the
 Statute of 1. Eliz. cap. 11.
 and other Statutes, and is a
 broad Place near a Creek or
 Hithe of Water, upon which
 Goods and Wares are laid which
 are to be Ship'd and Transport-
 ed from Place to Place.

Withernam.

Withernam est le Prisure ou
 chaser dun Distresse a un
 Fortresse, ou hors del Coun-
 ty, issint que le Viscount ne
 poit sur Replevin fair deli-
 verance de ceo al partie di-
 straine, en quel case un Brief
 de *Withernam* est direct al Vis-
 count pur le prise de tants de
 ses Avers que issint illoyal-
 ment distraîne, ou tants de
 les Biens, en son custody,
 jesque il ad fait deliverance
 de le primer Distress. Auxy
 si les Avers sont en un Fort-
 let ou Castle, le Viscount puit
 prender ove luy le Power del
 County, & debruser le Ca-
 stle, come appiert per le Sta-
 tute de *Westm. 1. cap. 20. Brit.*
cap. 27.

Withernam.

Withernam is the Taking or
 Driving of a Distress to
 a Hold, or out of the County, so
 that the Sheriff cannot upon Re-
 plevin make Delivery thereof to
 the Party distrained; in which
 case a Writ of Withernam is di-
 rected to the Sheriff for the ta-
 king of as many of his Beasts
 that did thus unlawfully di-
 strain, or as much Goods of his,
 into his keeping, until he hath
 made Deliverance of the first
 Distress. Also if the Beasts be
 in a Fortlet or Castle, the Sher-
 riff may take with him the Pow-
 er of the County, and beat down
 the Castle, as appears by the
 Statute of *Westm. 1. cap. 20.*
Brit. cap. 27.

Woodgeld.

Woodgeld semble destre le
 Collection ou succider de
 Boys deins le Forest, ou ar-
 gent prise pur mesme al use
 de Foresters. Et le privilege
 de ceo per le Grant le Roy,
 est per *Crompt. fol. 197. appel*
Woodgeld.

Woodgeld.

Woodgeld seems to be the Ga-
 thering or Cutting of Wood
 within the Forest, or Money
 paid for the same to the Foresters.
 And the Immunity from this
 by the King's Grant is by
Crompt. fol. 197. called Wood-
geld.

Woodmote.

Woodmote is the old Name of that Court of the Forest which is now, since the Statute of Charta de Foresta, called the Court of Attachments, and by the Statute is held every forty Days; but was wont to be held at the Will of the chief Officers of the Forest, and at no certain time. See Manwood's Forest Laws, cap. 22. fol. 207. a.

Woolferthfod.

Woolferthfod is the condition of such who were Outlawed in the Saxons Time, for not submitting themselves to Justice: for if they could be taken alive, they should be brought to the King; and if they in fear of Apprehension did defend themselves, they might be slain, and their Heads brought to the King; for they carried a Wolf's Head, that is to say, their Head was no more to be accounted of than a Wolf's Head, being a Beast so hurtful to Man. See the Laws of King Edward by Lambard, fol. 127. num. 7. & Bract. lib. 3. tract. 2. cap. 21. This is written Wulvesheaved by Roger Hoveden, part. poster. Annal. fol. 343.

Wreck.

Wreck, or Varech, (as the Normans, from whom it came, call it) is, where a Ship is perished on the Sea, and no Man escapes alive out of it, and the Ship or Part of it so perished, or the Goods of the Ship, come to the Land of any Lord, the Lord shall have that as a Wreck of the Sea. But if a Man, or a Dog, or a Cat, escape alive, so that the Party to whom the Goods belong, come

Woodmote.

Woodmote est le veil nosme de ceo Court del Forest que a ore, apres le Statute de Charta de Foresta, est appel le Court des Attachments, & per ceo Statute est tenus chescun 40 jours; mes soloit destre tenus al volunt des chief Officers del Forest, & nemy al ascun temps certain. Veies Manwoods For. Leys, c. 22. fol. 207. a.

Woolferthfod.

Woolferthfod est le condition de tiel que fueront utlage en le temps del Saxons pur nient submittant eux mesmes al Justice: car s'ils poyent estre prise en vife, ils serroient port al Roy; & s'ils en pavor de apprehension eux mesmes defenderont, ils poient estre tue, & leur testes port al Roy; car ils porteront le Teste dun Wolf, cest adire, leur Teste ne fuit plus destre regard que le teste d'un Wolf, que fuit un Beast cy tortious al home. Veies l'Leys de Roy Edouart per Lamb. f. 127. nu. 7. & Bracton. lib. 3. tract. 2. c. 11. Ceo est escrie. Wulvesheaved per Roger Hoveden, part. poster. Annal. fol. 343.

Wreck.

Wreck, ou Varech, (come les Normans, de que il vient, appellont ceo) est quant un Niese est perish sur le Mer, & nul home escape vive hors de ceo, & le Nief ou part del ceo issint perish, ou les Biens del Nief, vient al terre de ascun Seignior, le Seignior les avera come un Wreck de le Mer. Mes si un Home, ou un Cbi-en, ou Chatte, escape vive issint que le party a que le. Biens

Biens sont veigne dans l'an & jour, & prove les Biens de-
stre ses, il avera arere, per pro-
vision del Statute de *Westm.*
1. cap. 4. fait en les jours
del Roy *Edw.* 1. que en ceo
followed le Decree de *H.* 1. de-
vant que jours, si un Nief ad
estre ject sur l' shore, torne
ove Tempest, & nemy repaire
per eux que escapont en vie
deins un certain temps, don-
ques ceo fuit prise come *Wreck.*

within a Year and a Day, and
prove the Goods to be his, he
shall have them again, by Provi-
sion of the Statute of *Westm.* 1.
cap. 4. made in King *Edw.* 1.
days, who therein followed the
Decree of *H.* 1. before whose
days, if a Ship had been cast on
Shore, torn with Tempest, and
were not repaired by such as es-
caped alive within a certain
time, that then was taken for
Wreck.

Y.

Y.

*Yard-land.**Yard-land.*

Y *Ard-land (Virgata terræ)*
en ascun Counties con-
tein 20 Acres, en as-
cun 24, & en ascun 30 Acres
de Terre.

Y *Ard-land (Virgata terræ)*
in some Counties con-
tains 20 Acres, in some
24, and in some 30 Acres of
Land.

F I N I S.

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